

07.05.2026
Item No.22
Court No. 30
MKP

WPA 10513 of 2026

Gunu Dey Karmakar And Anr
-vs-
Food Corporation Of India & Ors

Mr. Samiran Mandal
Mr. Abhinava Dan
Ms. Shroyashee
Aguiva Mandal

..... for the Petitioner

Mr. Kamal Kumar Chattopadhyay

.....for the Respondent nos.1 to 5/FCI

1. Affidavit of service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the Controlling Authority to release the gratuity amount along with statutory interest.
3. It appears from the said order of the Controlling Authority and the Appellate Authority, that the Appellate Authority has been pleased to observe and direct as follows:

“During the course of hearing/evidence, the Appellate has submitted that ex-employee, Bachulal Karmakar expired on 11.05.2022 and there is no gratuity nomination in Form ‘F’ in the service records of the Late Bachulal Karmakar. It is further submitted by son of Late

Bachulal Karmakar that his father married two ladies and both wives are alive. But they could not produce any legal heir certificate for claiming gratuity.

In view of the above factual matrix and legal analysis, the decision of the Controlling Authority & Asstt.Labour Commissioner (Central), Asansol dated 18.01.2022 given in case No.48(258)/2019-E-2 is hereby confirmed on the point of entitlement of gratuity by the deceased employee. However, gratuity amount be disbursed by the Controlling Authority on production of legal heir/succession certificate obtained from the competent authority.”

- 4.** As such, the legal heirs of the deceased have been given opportunity to approach the Controlling Authority with proper legal heir and succession certificate from the Competent Authority.
- 5.** The petitioners herein claim to be the legal heirs of the deceased.
- 6.** The document in support of them, being the legal heirs is a certificate based on the certificate issued by the Councilor.
- 7.** The said legal certificate is not a proper legal certificate and not issued by the Competent

Authority and as such the petitioners herein, do not have the locus standi to prefer the writ application.

8. As such, the writ application not being maintainable, is **dismissed** and accordingly **disposed of** with liberty granted to the petitioner to sue afresh with proper documents.

(Shampa Dutt (Paul), J.)