

16.06.2025
Item No. 04
Ct. No. 30
AN

WPA 12300 of 2025

**St. Thomas High School
vs.
Minakshey Roy & ors.**

Mr. Soumya Majumder, Id. Sr. Adv.
Mr. S. K. Singh
Mr. S. K. Karmakar
Mr. R. K. Dubey

... for the petitioner

Mr. Bani Brata Roy

... for respondent no. 1

Mr. Malay Kr. Singh
Ms. Neelam Singh

... for the State

Affidavit of service filed be kept with the record.

The private respondent is being represented.

In the writ application, the petitioner School has challenged the order of the appellate authority dated 21.03.2025 on the ground that the appellate authority has calculated the gratuity amount as per the scheme which at present is not in existence since 01.04.2018. The principal amount of gratuity has admittedly been deposited with the Controlling authority.

The private respondent submits that the scheme was discontinued in 2018 but the petitioner is in service since 1987 and has retired from service in the year 2020 and as such she is entitled to higher gratuity as per the scheme which was in existence till 2018.

On the other hand, learned counsel appearing for the petitioner submits that as per the Payment of Gratuity Act, the petitioners/applicants who have retired after the year 2018, when the scheme was discontinued are entitled to gratuity as per the Payment of Gratuity Act and not as per the Scheme which was now not in existence.

It is also placed before this Court that another writ application being WPA 9438 of 2025 is pending adjudication before this Court as to whether the applicants are entitled to benefits of the Scheme by way of retrospective effect.

As the private respondent intends to use an opposition, let such opposition be filed within 04.07.2025, reply thereto, if any, be filed within 24.07.2025.

The writ application be listed alongwith WPA 9438 of 2025 in the Combined Monthly List of August, 2025 for further hearing.

Pending hearing the order of the appellate authority dated 21.03.2025 be stayed till 28.08.2025 or until further orders, whichever is earlier.

(Shampa Dutt (Paul), J.)