

18.08.2025
Item No.03
BR

WPA 17636 of 2025
Bimalendu Bikas Sahoo and Ors.
-vs-
State of West Bengal Ors.

Mr.Nilanjan BHattacharjee,sr. Adv.
(Virtual)

Mr. Abhilash Chatterjee ,

Mr. Akash Adak

... for the petitioner

Mr. Wasim Ahmed (Virtual),

Mr. Md. Sahabuddin

... for the State

1. Affidavit of service filed by the petitioner be kept with the record.
2. The writ application has been preferred challenging the order dated 28th May, 2025 passed by the Certificate Officer, Paschim Medinipur, wherein the Certificate Officer has disposed of Certificate Case No.1/CC of 2025 not as per the order of the Controlling Authority dated 10.8.2018 and thus not in accordance with law.
3. The Controlling Authority in its order dated 19.09.2018 held as follows :

“ Considering all these facts, it is decided that the applicant is entitled to receive gratuity from the

other party in terms of Section 4 of the Payment of Gratuity Act. The sum of gratuity is determined as :

$$\begin{aligned} & \frac{\text{Rs. } 270 \times 26 \times 15 \times 20}{26} \\ = & \frac{\text{Rs. } 270 \times 26 \times 15 \times 20}{26} \\ = & \text{Rs. } 81000/- \end{aligned}$$

Thus an amount of Rs. 81000/- (Rupees eighty one thousand) is to be paid by the other party to the applicant. The case is thus disposed of.”

4. The order under challenge passed by the Certificate Officer is as follows :

28.4.2025

“ Today is fixed for hearing of the certificate case and on last hearing on 29.04.2025 the Certificate Debtor parties were directed to carry out my direction vide memo no. 01/cert dt. 28.01.2025. Since then the Certificate Debtors are not respondent to the clarion call of this court, and on 29.04.2025, I have directed the legal heirs of Jatindranath Sen who were represented by Soumik Sen & Rounak Sen, both sons of Sri

*Sukumar Sen of Habibpur,
Municipal ward no. 1, P.S. Kotwali,
Dist.-Paschim Medinipur to carry out
my direction immediately. The
matter is disposed.*

Sd/-

Certificate Officer

Paschim Medinipur

5. It appears that instead of proceeding with the certificate proceeding by taking steps to recover as per the Public Demand Recovery Act, the Certificate Officer has passed such an order which prima facie appears to be not in accordance with law.
6. Accordingly, the Certificate Officer, Paschim Medinipur is directed to submit a report in respect of the order under challenge dated 28.5.2025, which prima facie is not in accordance with law. The report be submitted through the learned counsel for the State.
7. Matter to appear on 28.8.2025 for report and necessary orders.
8. Learned counsel for the State is at liberty to communicate the sever copy of this order to the Certificate Officer for compliance

and the District Magistrate,
Paschim Medinipur who shall
personally look into the said case
and ensure that the report as
called for is filed on the date fixed.

(Shampa Dutt (Paul), J.)