

Court No. 24

13.11.2025

(Item No. 102)

(AB)

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 10409 of 2025

Jayanta Kumar Ghosh

VS

The State of West Bengal & Ors.

Mr. Dhiman Kumar Sengupta, Advocate

Ms. Farhin Mustaque, Advocate

.... For the petitioner

Mr. Srijan Nayak, Advocate

Mr. Biplob Das, Advocate

Mr. Partha Sarathi Pal, Advocate

.... For respondent nos. 2 & 3

Mr. Ankit Surekha, Advocate

Mr. Vijay Verma, Advocate

.... For respondent no. 5

1. The petitioner states that his gratuity benefits have been withheld by the concerned co-operative society, which is a credit society and therefore, moves the present writ petition.
2. Mr. Sengupta, learned advocate appears for the petitioner states that the concerned authorities are seeking to pay gratuity at a lesser rate prevailing at an earlier point of time and not at the prevalent rate as fixed by the State Government as well as the Central Government.
3. Mr. Surekha, learned advocate appears for the respondent society and submits that there is an equally efficacious and alternative remedy available to the petitioner under Section 102 of the West Bengal Co-operative Societies Act, 2006 (hereinafter referred to the said Act). Mr.

Surekha submits that the disputes raised by the petitioner are fully within the domain of an Arbitrator to be appointed by the respondent no. 3.

4. Let the petitioner raise the disputes before the respondent no. 3, who will appoint an Arbitrator within two weeks from reference of the disputes by the petitioner.
5. I make it clear that, I have not gone into the merits of this case and all points are kept open to be urged by the petitioner before the Arbitrator.
6. The writ petition being **WPA 10409 of 2025** is accordingly **disposed of**.
7. There shall, however, be no order as to costs.
8. Urgent Photostat certified copy of this order be given to the parties, if applied for.

(Reetobroto Kumar Mitra, J.)