

16.06.2025
Court No.13
Item Nos. 5 to 7
sp

MAT 2181 of 2023
With
CAN 1 of 2024
With
CAN 2 of 2024
The State of West Bengal & Anr.
Vs.
Shewlal Singh & Ors.

With
MAT 2195 of 2023
With
CAN 1 of 2024
With
CAN 2 of 2024
State of West Bengal & Anr.
Vs.
Swapan Kumar Chanda & Ors.

With
With
MAT 2197 of 2023
With
CAN 1 of 2024
With
CAN 2 of 2024
State of West Bengal & Anr.
Vs.
Bideshi Rajbhar & Ors.

Mr. T.M. Siddiqui, Id. A.G.P.,
Mr. Suddhadev Adak,
Ms. Debdooti Dutta.

...For the State Appellants.

Ms. Senjuti Sengupta,
Mr. Rananeesh Guha Thakurata.

...For the respondent no.1.

Mr. Rajib Mukherjee,
MsShreyasi Bhaduri.

..for the Bhatpara Municipality.

1. The appellant is aggrieved by the order dated 1st August, 2023 passed by a Single Bench of this Court to a limited extent. It was ordered by the Single Bench that the

gratuity of the employees concerned should be paid if, necessary, with financial assistance from the State Government.

2. Mr. Siddiqui, learned Senior Counsel appearing for the appellant has placed reliance of a Co-ordinate bench presided over by the Hon'ble Chief Justice dated 1st July, 2024 passed in MAT 2179 of 2023.

3. In the said decision it was held that since the Bhatpara Municipality is governed by the West Bengal Municipal Act, 1993 and is required to generate its own funds by levying taxes and other dues. The State cannot be approached by the municipality for funds.

4. To that extent, therefore, the impugned order of the Single Bench directing the municipality to approach the State for funds was interfered with by the Co-ordinate bench in the order dated 1st July, 2024 (supra). A similar view was also taken by the same bench presided over by the Hon'ble Chief Justice in the order dated 16th July, 2024 passed in MAT 2211 of 2023.

5. The appeal even otherwise has become infructuous since the respondents/employees have received their respective gratuity.

6. In view of the above, all the appeals are disposed of.

7. Consequently, all connected applications shall also stand disposed.

8. There shall be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)