

20.04.2026
Court No. 12
Item No. 17
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

F.M.A. 1453 of 2025
IA No : CAN 1 of 2025
In
W.P.A. 29686 of 2024

Birbhum District Central Co-operative Bank
Limited & Ors.
-Versus-

Chhabi Bhattacharya & Anr.

Mr. Saikat Banerjee, Sr. Adv.,
Mr. Arnab Ray,
Mr. Shirsho Banerjee
.....for the appellants
Mr. Kishore Mukherjee,
Mr. Ahitagni Dey
....for the respondent no. 1.
Mr. Ankit Sureka,
Mr. Asis Dutta
....for the respondent no. 2.

- 1) Affidavit-of-service filed on behalf of the appellants is taken on record.
- 2) In view of the question of law which has arisen as to whether the writ petition would be maintainable against the Cooperative Credit Society which is a body corporate and registered under a statute but not created by a statute, we admit the appeal and keep this point open for consideration at the final hearing.
- 3) There shall be stay of operation of the order impugned subject to the following conditions :-
 - (a) The stay will be unconditional for four weeks.

(b) The interest on gratuity as directed by the learned trial Judge will be released within a period of four weeks in favour of the writ petitioner. Gratuity is a property of an employee and a statutory right, in respect of which interest accrues on account of delay in payment.

(c) A sum of Rs. 3,00,000/- shall be deposited by way of a Demand Draft in the office of the learned Registrar General, High Court, Calcutta within a period of four weeks from date. The said amount shall be encashed and deposited in an interest bearing Short Term Auto Renewable Fixed Deposit by the Registrar General in a Nationalized Bank.

4) Let the hearing of the appeal stand over till June 9, 2026 at 2 P.M.

5) In case of non-compliance of this order, the stay will stand vacated.

6) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings. The order impugned is set aside.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)