

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2575 of 2026

Uttam Kumar Acharya
-versus
The State of West Bengal & Ors.

Mr. Indranil Chandra
Mr. Souvik Sarkar
... For the petitioner

Mr. Sayan Datta
Mr. Syed Nasirul Hossain
... For the State

Mr. Nilanjan Adhikari
... For the respondent no.2

Mr. Dyutiman Banerjee
Mr. Debanik Das
Mr. Indranil Dasgupta
Ms. Jayasree Saha
... For the respondent nos.4 and 5

1. In compliance of the direction passed by the Court on 31st March, 2026, Mr. Anil Kumar Das, Chief Executive Officer, West Bengal State Cooperative Housing Federation Limited, is present in Court along with the records.

2. Submission of the West Bengal State Cooperative Housing Federation Limited is that they will be covered by the provision of Section 134C of the West Bengal Cooperative Societies Act, 2006 which permits Cooperative Credit Structure Entity to have autonomy in financial and internal administrative matters.

3. The Federation exercised its autonomy and decided not to grant the benefit of enhanced gratuity to the petitioner to the tune of Rs.5,03,090/- only. The statutory amount of rupees ten lakh of gratuity has already disbursed in his favour. The balance amount of Rs.5,03,090/- was refunded to the Life Insurance Corporation of India.

4. It has been submitted that the Board of the Federation took a resolution to enhance the upper ceiling of the gratuity to be paid to its employees to the tune of rupees two lakh only, i.e., (10+2 =12 lakh). The Board is yet to take a decision to pay its employees gratuity amount of rupees fifteen lakh.

5. The petitioner relies on the memorandum of the Finance Department No.5315-F(P₂)/FA/N/2M/50/23(N.B.) dated 14th September, 2023 and also relies on the communication made by the Life Insurance Corporation under the Right to Information Act that the amount of gratuity under the Group Gratuity Master Policy of the Federation in favour of the petitioner is Rs.15,03,090/-. As the petitioner already received rupees ten lakh, he prays for the balance.

6. Learned advocate representing the Accountant General (A&E), Government of West Bengal, submits, upon instruction, that the petitioner will not be covered under the provision of Section 134C of the West Bengal Cooperative Societies Act, 2006.

7. Learned advocate representing the State respondents submits that the petitioner would be entitled to the amount as reflected in the communication made by the Life Insurance Corporation, i.e. rupees fifteen lakh.

8. Whether the provision of Section 134C of the West Bengal Cooperative Societies Act, 2006 would be applicable in the instant case or not is not the issue that is decided here.

9. As the Group Gratuity Master Policy in favour of the petitioner was in respect of Rs.15,030,90/- and as Life Insurance Corporation has intimated the petitioner that no amount has been refunded by the Federation to Life Insurance Corporation till the date of making the communication in May 2025, the Federation is directed to pay the petitioner the balance amount of the figure as mentioned in the said communication.

10. The West Bengal State Cooperative Housing Federation Limited shall take steps for releasing the balance to the petitioner as expeditiously as possible but positively within a period of four weeks from date.

11. The writ petition stands disposed of.

12. Since the writ petition is disposed of without calling for any affidavit, allegations made therein are deemed not to have been admitted by the respondents.

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

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)