

30.03.2026
Court No.13
Item No.35
AP

**FMA 43 of 2026
With
CAN 1 of 2026**

**Pioneer Co-operative Car Parking Servicing and
Construction Society Limited
Vs.
The State of West Bengal and Ors.**

Mr. M.C. Bhattacharjee
Ms. Sulagna Bhattacharjee

... For the Appellant.

Mr. Tarak Karan

... For the State.

Mr. Suvadip Bhattacharjee
Mr. Balaram Patra

... For the Private Respondent.

1. The instant appeal is directed against an order dated 3rd December, 2025 passed by a Single Bench of this Court in WPA 26522 of 2025 (Pioneer Co-operative Car Parking Servicing and Construction Society Limited Vs. The State of West Bengal and Ors.).

2. By the said order, the Single Bench directed the Controlling Authority under the Payment of Gratuity Act to decide the claim on merits. The objection on the ground of limitation raised by the appellant society, against the private respondent claiming to be an employee, has been decided in his favour.

3. This Court does not find any serious error either on the part of the Controlling Authority or on the part of the Single Bench of this Court in deciding the matter of limitation in favour of the private respondent. A claim of

gratuity, if otherwise maintainable in law, on merits cannot be defeated on the ground of limitation. It is now well-settled that gratuity is a socio-economic benefit meant for an employee after rendering long service.

4. On merits the Controlling Authority may decide as to whether the private respondent is an employee of the appellant employer, in the first place or within the meaning of the Payment of Gratuity Act and as to whether he is entitled to maintain a claim for gratuity against the appellant/co-operative society of which he has been admittedly a member and a director.

5. The order of the Single Bench, therefore, calls for no interference. It is requested that the Controlling Authority decides the matter on merits after receiving evidence from both the parties within a period of six months from the date of communication of a copy of this order. No unnecessary adjournments shall be granted to any of the parties. All questions on merits are kept open for the Controlling Authority to decide based on the evidence that is received by it.

6. A copy of the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972 dated 26th February, 2026 fixing the matter on 6th March, 2026 is kept with the record.

7. With the aforesaid direction, FMA 43 of 2026 is disposed of. Consequently, all connected pending applications, if any, are also disposed of.

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.)

(Rai Chattopadhyay, J.)