

22nd April, 2026
(D/L No.25)
Ct. No.4
(SKB)

**F.M.A.116 of 2026
With
CAN 1 of 2026**

**Mangal Banerjee @ Dr Mangal Banerjee
Vs.
The Appellate Authority and others**

Ms. Chandreyi Alam,
Ms. Runu Mukherjee,
Mr. Subhajit Das

...for the appellant.

Mr. Supriyo Chattopadhyay, Id. AGP,
Mr. Sabyasachi Mondal

...for the respondent nos.1 and 2.

Ms. Akanksha Mukherjee,
Mr. Pradipta Bose,
Ms. Madhumanti Chakraborty

... for the B.C.C.L.

1. The affidavit of service is taken on record.
2. The appeal is filed by the appellant on an apprehension that since the order of the Appellate Authority under the Payment and Gratuity Act was not set aside in specific terms by the learned Single Judge, there may be some difficulty in implementation of the order passed in the writ petition.
3. A claim by the petitioner/appellant for payment of gratuity was considered by the learned Single Judge, which finally decided the issue in the following terms:

“35. In the instant case, the Managing Committee of the school had a distinct legal status than the Management of BCCL beyond the governance and control of the State Government which did not specifically follow the Rules promulgated by the State for functioning of such schools along with the Service Rules followed by the employees. The State Government too cannot be responsible and/or liable to pay the gratuity.

36. In the event of absence of employer-employee relationship between the respondent BCCL and the petitioner, the respondent school to have been exclusively recognized by the West Bengal Secondary Education Board, precluding the same from receiving any kind of financial grant by the State Government whereby the status of the petitioner cannot be equated with a person at par functioning in the similar capacity in the State Government to enure the benefit of gratuity conferred by the State Government, the petitioner has been directly under the control of the management of the respondent-school.

37. Under the facts and circumstances of the case, the respondent school is to disburse the gratuity amount of Rs. 13,52,081/- at the rate of 6% per annum "from the date of initial application seeking payment of gratuity till the date of its realization within 60 days from the passing of this order.

38. In view of the above discussions, the instant writ petition being WPA 8648 of 2019 is disposed of.”

4. Upon going through the operative portion of the order, we find that the responsibility for the payment of gratuity is stated in a specific terms leaving no ambiguity. The order has also not been put to challenge by the respondents in the writ proceeding, who are duly represented today through their counsel.
5. Under the circumstances, we do not find any substance in the apprehension expressed by

the learned advocate for the appellant requiring passing of any further orders.

6. The order and directions passed by the learned Single Judge do not require any interference in an intra court appeal.
7. The appeal is, accordingly, disposed of.
8. The application being CAN 1 of 2026 is also disposed of.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)