

13.09.2021
Sl. No.40
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)
WPA 7595 of 2021

Sanat Kumar Ghosh & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Rabi Lal Moitra, Sr. Adv.,
Mr. Samiran Mandal,
Mr. Abhinaba Dan,
Mr. Nitish Samanta
.....for the petitioners.

Mr. Tapan Kumar Mukherjee, AGP,
Mr. Somnath Naskar
.....for the State.

Mr. Ayan Banerjee,
Ms. Debashre Dhamali
.....for SBSTC.

Affidavit of service filed in Court today is taken on record.

Sixty retired employees of South Bengal State Transport Corporation (in short 'SBSTC') have filed this writ petition praying for implementation of the Pension Scheme at par with other State Transport Undertakings (in short 'STUs').

The court fees paid is in respect of only one petitioner. The petitioners are directed to pay the deficit court fees by 17th September, 2021 and inform the Registry/Department of this Court with a photocopy of the receipt as to payment of the deficit court fees. Unless the deficit court fees is paid, the rest part of the instant order will not be operative.

The petitioners say that the Board of 'SBSTC' in its 149th meeting held on 15th February, 2018 has resolved that Pension Scheme be introduced in 'SBSTC' at par with other 'STUs'. The Board had also

decided to move the Government accordingly for implementation of the Pension Scheme in 'SBSTC'. The exert of the resolution appears in the letter dated 28th March, 2018 (appearing at page 104 of the writ petition). The Managing Director of 'SBSTC' by a letter dated 6th August, 2019 had requested the Secretary to the Government of West Bengal, Transport Department to take a decision as to the implementation of the Pension Scheme in 'SBSTC'. This letter is at pages from 105 to 110 of the writ petition. It is submitted by the petitioners that the issue of implementation of Pension Scheme in 'SBSTC' is pending for consideration before the Government of West Bengal since August, 2019. The petitioners are all, retired employees of 'SBSTC' and say if the Pension Scheme is implemented as per the resolution of the Board of 'SBSTC', all the petitioners are likely to be benefitted by such Pension Scheme.

After hearing the parties and considering the materials on record, I find that justice will be subserved if the respondent nos.1, 2 and 3 are directed to decide on the issue as referred to them by the respondent no.5 by his letter dated 6th August, 2019 within a time-frame by a reasoned order after considering all aspects of the matter as reflected in the letter dated 6th August, 2019 issued by the respondent no.5. The respondent nos.1, 2 and 3, if necessary, may call for further documents from the respondent nos. 4, 5 and 6 for effective adjudication of the issue.

The entire exercise shall be completed by the Competent Authority within a period of four months from the date of communication of this order upon payment of deficit court fees. The respondent nos.1,

2 and 3 immediately upon the decision, vide a reasoned is taken in the matter, shall communicate the same to the respondent no.5 as also to the petitioners.

Parties shall act on a server copy of the order without being insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)