

02
14.12.2021
Ct. No.23
pg.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 17519 of 2021

Swapan Kumar Das & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Joy Chakraborty
Mr. Subhendu Roy Chowdhury
Mr. Sandip Dinda
.... For the Petitioners

Mr. Ayan Banerjee
Ms. Debasree Dhamali
.... For SBSTC

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

One thirty seven 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 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 59 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 60 to 65 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 respondents no.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 respondents no.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. The respondents no.1, 2 and 3 immediately upon the decision, vide a reasoned order is taken in the matter, shall communicate the same to the respondent no.5 as also to the petitioners. Since the same issue has been directed by this Court to be considered by the respondents in another writ petition, any decision passed in terms thereof prior to expiry of the time period provided in this order will govern the case of 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.)