

13.02.2025  
Item Nos.4-5  
gd/ssd

CPAN/622/2023  
SANJAY KUNDU AND ORS.  
VS  
PARTHA PRATIM ROY, CHAIRMAN  
NORTH BENGAL STATE TRANSPORT  
CORPORATION AND ORS.  
**in**  
FMA/2147/2018  
NORTH BENGAL STATE  
TRANSPORT CORPORATION & ORS.  
**VS**  
SANJOY KUNDU & ORS.  
**with**  
FMA/2148/2018  
NORTH BENGAL STATE  
TRANSPORT CORPORATION & ORS.  
**VS**  
7TH INDUSTRIAL TRIBUNAL & ORS.

Mr. B.R. Bhattacharyya, ld. Sr. Adv.  
Ms. Santi Das,  
Mr. R.D. Bhowmick  
..for the Applicants.

Mr. Pantu Deb Roy,  
Mr. Subrata Guha Biswas  
..for the State.

Mr. Srijan Nayak,  
Ms. Rituparna Maitra  
..for the Contemnors.

1. We have heard the learned advocates for either  
of the parties.

2. The North Bengal State Transport Corporation  
has produced a tabulated statement giving details of  
the 22 persons who are to be regularized in service in  
terms of the Award passed by the Labour Court as  
affirmed by this court. In the bottom of the tabulated

statement the following has been stated by the Managing Director:

“\*Out of 22 persons 05 did not submit any documents for the purpose of appointment.

\*Out of 17 Domicile certificate of 15 have been received. 01 person has been rejected (Rabi Roy). That of Sri Shantanu Ghosh is awaited.

\*Out of the 15, all documents received from the 09 heads. In case of 06 persons police verification report is awaited.

\*07 heads are within serviceable age (60 years). Sri Sumit Paul has exceeded 60 years on 03.05.2024, Sri Kartick Saha has exceeded 60 years on 25.11.2024.

\*Out of those 7, proposal for Condonation of age for all 07 and that for Condonation of inadequacy in educational qualification for 03 persons was sent to Transport Department (Copy enclosed). The Department has informed verbally that the same was sent to Finance Department for concurrence.”

3. In our view, the above issue pointed out by the Managing Director is a clear attempt to avoid implementation of the judgment passed by this court which was affirmed by the Hon’ble Supreme Court.

4. Therefore, the Managing Director is directed to issue appointment orders to all the 22 persons in terms of the judgment of this court. The NBSTC cannot insist upon any domicile certificate nor any other documents nor police verification report and in respect of those persons who are stated to be aged more than 60 years, even as per the policy of the State Government the daily rated employees have been permitted to work till 62 years and in some cases upto 65 years of age.

5. Therefore, wherefrom, according to the NBSTC, there is age bar, the same stand rejected by this court in the order.

6. The Managing Director shall implement the order passed by this court who in its letter and spirit given all the benefits to 22 persons and a compliance report be submitted before this court by filing the same in the Registry after serving copy of the report on the learned advocate for the petitioners. The compliance report shall be filed in the Registry not later than 13<sup>th</sup> March, 2025. If the compliance report is not filed within the said date, the Managing Director of NBSTC shall appear in person before this court on 20<sup>th</sup> March, 2025. In respect of six persons, who have died during the pendency of the proceedings, they should be given notional appointment and accordingly, the monetary amount payable pursuant to the notional appointment, the amount should be calculated and disbursed to the legal heirs of the deceased employees after obtaining the requisite documents from the legal heirs of the deceased employees.

7. However, in respect of the deceased employees, the court is inclined to grant some more time and the same can be complied with not later than 17<sup>th</sup> April, 2025.

8. The legal heirs of the deceased employees shall submit all the necessary documents to establish their claim before the NBSTC within two weeks from date.

9. List the matters on 20<sup>th</sup> March, 2025.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(BIVAS PATTANAYAK, J.)**