

17
23.02.2022
Court No. 23
d.g.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2766 of 2022

Sri Ashok Singh
Vs.
The State of West Bengal & Ors.

Mr. Upendra Roy,
Mr. Kanchan Roy.
... for the petitioner

Mr. Pinaki Dhole,
Ms. Kakuli Samajpati
... for the State

Ms. Deblina Chattaraj.
... for the respondent

The petitioner joined the services of the Calcutta Tramways Co. (1978) Ltd. (in short "C.T.C."), now known as West Bengal Transport Corporation (in short "W.B.T.C.") on 27th August, 1984 as Traffic Cleaner. The petitioner was subsequently promoted to the post of Conductor with effect from 6th June, 1994. While serving in C.T.C. as a Conductor, the petitioner says that he fell ill as a result whereof he could not attend the duties for about twenty-nine days between 19th May, 1997 and 15th June, 1997. The petitioner was discharged from service with effect from 16th June, 1997 for being absent. The petitioner made an appeal to the employer and by an order dated 3rd September, 1997, the Chief Operating Manager allowed the petitioner to join the services with effect from 29th August, 1997 with continuity of service.

The basic pay of the petitioner in terms of the said order was fixed at Rs.1115/- per month. Usual allowance as admissible as per rules was allowed. By the said order the petitioner's date of next increment was also fixed that is 1st August, 1998. The petitioner says that though he was permitted to join but his salary was reduced. The petitioner is challenging the deduction so made to his salary alleging the same to be unlawful. Since the petitioner is in service and the allegation is that his salary has been reduced, it is a continuing cause of action even if the date of order that is 3rd September, 1997 is taken as the starting point of his cause to claim the reduction in salary to be unlawful.

After hearing the parties and considering the materials on record, I find that the petitioner has made several representations which appears at pages 18 to 21 of the writ petition. All these representations have not yet been disposed of.

In the aforesaid facts and circumstances, I direct the Managing Director of West Bengal Transport Corporation, the respondent no. 3 to dispose of the petitioner's representations dated 17th December, 2021, by a reasoned order after affording the petitioner a reasonable opportunity to represent his case. The reasoned order should be passed within a period of eight weeks from date and the order so to be passed should be immediately communicated to the petitioner.

It is made clear that I have not gone into the merits of the matter and as such. The respondent no. 3 shall be free to decide all issues that are raised by the petitioner through his representation dated 17th December, 2021, afresh by applying his independent mind and in accordance with law, without being influenced in any way by the observations made in the instant order. The parties including the respondent no. 3 shall act on a basis of a server copy of this order without 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 affidavit, 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.)