

26.09.2022
DL-9
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19249 of 2022

Smt. Chandana Ram
Vs.
The State of West Bengal & Ors.

Mr. Gour Baran Sau,
Ms. Mousumi Kuudu

....for the petitioner.

Mr. Pinaki Dhole,
Ms. Ananya Neogi

....for the State.

Mr. Amal Kumar Sen,
Mr. Sabyasachi Mondal

....for NBSTC.

Affidavit of service and the supplementary affidavit filed in Court today be retained with the records.

The petitioner claims that her husband worked as a regular employee with the North Bengal State Transport Corporation (in short "NBSTC"). He was engaged therein as a driver and he died-in-harness on December 24, 2000. The petitioner's husband went on for work on December 24, 2000 and did not return home. After that a missing diary was lodged, vide G.D No.540 on January 10, 2001. Thereafter, the petitioner received an order dated July 21, 2009 issued by the Disciplinary Authority & Managing Authority, NBSTC, Cooch Behar removing the petitioner's husband from service with immediate effect as he was absenting himself from duties

unauthorisedly with effect from 2000. The petitioner filed two previous writ petitions, being WP 13000 (W) of 2009 with WP 18253 (W) of 2010 before this Hon'ble Court. Both the writ petitions were disposed of by a common order dated October 5, 2015 passed by a coordinate Bench of this Hon'ble Court whereby it was observed that in the event the petitioner gets an appropriate decree from a competent civil Court, it would be open to her to approach the appropriate authority of NBSTC for seeking release of the accrued dues of her husband to the extent she is entitled in law. The petitioner was required to get an appropriate decree that since her husband was missing from December 24, 2000, he was declared to be "dead", as more than 7 years have elapsed from the date of his disappearance.

By an order dated July 17, 2017 passed by the learned Civil Judge (Junior Division), 1st Court, Malda, the petitioner's husband was declared as "dead". It was decreed that the competent authority shall issue a death certificate in favour of the plaintiff/petitioner herein in the name of her husband, if applied for.

The present writ petition, being WPA 19249 of 2022, is for consideration of the petitioner's representation dated April 26, 2018 for disbursal of

the admissible dues payable to her husband and also for consideration of an appointment of her son on compassionate ground.

Having considered the rival submissions of the parties and materials placed on record, this Court is of the view that justice would be sub-served in the event the Managing Director, NBSTC/respondent no.2 is directed to consider the representation dated April 26, 2018 upon giving a personal hearing to the writ petitioner and/or her delegated representative within a period of 8 weeks from date. The said representation shall be considered in the light of the decree dated July 17, 2017 passed by the competent civil Court. The representation of the petitioner shall be disposed of by a reasoned order. Such reasoned order shall be communicated to the petitioner within 2 weeks of passing of the same.

Since no affidavits have been invited in the present writ petition, all the allegations made therein are deemed not to have been admitted.

With the directions aforesaid, the writ petition, being **WPA 19249 of 2022**, is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)