

WPA 37874 of 2013

Barun Kumar Mukherjee

Vs.

The Calcutta State Transport Corporation & Ors.

Mr. Purnasish Gupta

Mr. Mukul Mitra

Mr. Jayanta Mukherjee

...for the petitioner

Mr. Amal Kumar Sen, Ld. AGP

Mr. Sabyasachi Mondal

...for the CSTC

Petitioner was an employee of Kolkata State Transport Corporation (for short CSTC) being the principal respondent, who retired on superannuation on 30th June, 1995.

Mr. Purnasish Gupta, learned advocate appears on behalf of the petitioner and submits that after superannuation of the petitioner, admissible retiral dues were paid to him and vide memo no. 3080 TD dated 5th March, 2002 monthly pension was sanctioned. It has further been submitted pursuant to sanction of pension in favour of the petitioner same was paid to him till 17th May, 2012 and abruptly on and from 18th May, 2012 such benefit of monthly pension was stopped and thereafter, petitioner has not received monthly pension till date. It has been contended on behalf of the petitioner that once monthly pension was allowed and started in the year 2002 onwards and the petitioner was

in receipt such benefit up to the month of May, 2012, how the same can be withheld abruptly without assigning any cogent reasons on such withdrawal of monthly pension. Petitioner has thrown challenge to such act of the CSTC authority in withdrawing monthly pension of the petitioner from the month of May, 2012.

Mr. Amal Kumar Sen, learned Additional Government Pleader appears on behalf of the CSTC and has submitted that on superannuation of the petitioner all the admissible retiral dues were paid to him and subsequently from 2002 onwards wrongly monthly pension was sanctioned in favour of the petitioner and the same was paid up to the month of May, 2012, but subsequently on scrutiny of the service records of the petitioner it was detected that this was erroneously paid to the petitioner as a result thereof the monthly pension was stopped from 18th May, 2012.

This Court has considered the submissions made on behalf of the learned advocates representing the parties and perused the pleadings available on record.

Indisputably petitioner received monthly pension from 2002 till 17th May, 2012 and it has been withdrawn abruptly without granting any opportunity to the petitioner to make deliberation on his entitlement to receive such benefits. Withholding of monthly pension has civil and evil consequences therefore, before taking such drastic steps against the petitioner, it appears to

this Court that the concerned authority of CSTC ought to have given fair opportunity to the petitioner to present his case before the CSTC authority. It appears after hearing both the parties that such opportunity of making representation has been denied to the petitioner before withdrawing his monthly pension.

Accordingly, this Court directs the Managing Director, Kolkata State Transport Corporation being the respondent no. 2 to take a decision on entitlement of the petitioner to get monthly pension on his superannuation on 30th June, 1995 after granting an opportunity of hearing to the petitioner and pass a reasoned order within 8 (eight) weeks from the date of communication of this order.

All points are kept open on which the petitioner or his representative shall be at liberty to make detailed deliberation before the respondent no. 2 at the time of hearing.

Decision to withhold monthly pension as taken by the CSTC shall be kept in abeyance and shall abide by the decision to be taken by the respondent no. 2 pursuant to the order passed by this Court.

With the above direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)