

**25.09.2023**  
**DL-87**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 5138 of 2023**

**Pijush Putatunda**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Dilip Kumar Chatterjee,  
Mr. Prabir Chatterjee,  
Mr. Durga Bhusan Mukherjee,  
Ms. Adrija Chatterjee  
.....for the petitioner.

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

Mr. Amal Kumar Sen  
.....for CSTC.

Written instructions handed over in Court today  
by Mr. Deb Roy, learned counsel appearing on behalf  
of the State respondents are retained with the  
records.

The said written instructions contain a reasoned  
order passed by the Secretary, Transport Department  
dated August 23, 2023.

The petitioner's grievance is that despite office  
order dated September 17, 2009 issued by the Joint  
Secretary, Government of West Bengal to the  
Managing Director, Calcutta State Transport  
Corporation (CSTC), holding that the employees of the  
Corporation will be entitled to leave encashment  
benefits of a maximum of 300 days, the employees of  
CSTC got the benefits of 180 days.

It was submitted by Mr. Sen, learned Additional Government Pleader appearing on behalf of CSTC on March 27, 2023 that permission has been sought by CSTC from the Additional Chief Secretary, Transport Department, Government of West Bengal on January 18, 2018 regarding the issue of bearing of financial burden for payment of additional days of leave encashment benefits. It was submitted that the Government should arrange for such additional expenditure.

By a communication dated September 29, 2022, the Deputy Secretary, Transport Department sought for clarifications from CSTC. Such clarifications were made by the Joint Managing Director, CSTC on November 3, 2022.

By an order dated May 17, 2023, this Court directed the Principal Secretary, Transport Department to take a decision on the issue of bearing of the financial burden of the enhanced leave encashment benefits in consonance with the Principal Secretary, Finance Department, Government of West Bengal.

Now, it is submitted by the State respondents that the Principal Secretary, Transport Department in consonance with the Principal Secretary, Finance Department, Government of West Bengal has taken

the decision that the additional burden with regard to enhanced leave encashment benefits from existing 180 days to 300 days have to be borne by CSTC.

Therefore, this Court directs a reasoned order to be passed by the Managing Director, CSTC in respect of the petitioner's claim for enhanced leave encashment benefits of 300 days within a period of 4 weeks from date, taking into consideration the decision of the Secretary, Transport Department dated August 23, 2023.

In case the petitioner is otherwise found eligible for payment of enhanced leave encashment benefits, the same shall be disbursed at the time of his retirement or termination of service in accordance with the extant Rules/Policies.

With the directions aforesaid, **WPA 5138 of 2023 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.)**