

10.05.2023
Ct. No.7
S/L No.16
KS

W.P.A. 12697 of 2021
With
I.A. No. CAN 1 of 2022 [file not found]
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CAN 2 of 2022 [file not found]
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CAN 3 of 2023 [file not found]
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CAN 4 of 2023 [file not found]

Sri. Subhash Chandra Jha & Ors.
-Vs.-
The State of West Bengal & Ors.

Mr. B. R. Bhattacharya, Sr. Adv.
Mr. Kamlesh Bhattacharya
Mr. Goutam Dey
Mr. Dipendu Sarkar
Mr. Ankan Mondal

.....For the Petitioners

Mr. Niladri Bhattacharjee
Ms. A. Dutta
Ms. S. Paul

.....For the Transport Corporation

1. The petitioners claim that they have all retired from service on superannuation and received the retirement benefits under the Contributory Provident Fund Scheme. The writ petitioners claim that immediately after coming to know that there was a pension scheme applicable to the employees of the Calcutta Tramways

Company (1978) Ltd., which has been subsequently taken over by the West Bengal Transport Corporation Limited, the petitioners submitted representations before the authorities on December 25, 2020 praying for extending the benefits of the pension scheme upon refund of the employees' share of provident fund received by them at the time of retirement together with interest thereon.

2. Mr. Bhattacharya, learned advocate representing the petitioners submits that the petitioners who were basically Group – 'C' and Group – 'D' employees were not made aware by the respondent authorities of introduction of pension scheme for which they could not approach the authorities for extending the benefits of the pension scheme at the relevant point of time. He further submits that the petitioners had to render their services at different places within the State of West Bengal and for which the petitioners could not approach the authorities within the cut off date specified in the pension scheme, as well as within the extended time as per the subsequent notifications.
3. Mr. Bhattacharya, learned advocate appearing for the petitioners further submits that the employees of the West Bengal Transport Corporation Limited has been

discriminated against as similarly situated employees of the State in different wings have been extended the benefits of the pension scheme.

4. Learned advocate appearing for the respondent/Corporation submits that the petitioners are not entitled to the benefits of the pension scheme as they approached at a belated stage.
5. Heard the learned advocates for the parties and perused the materials placed.
6. It appears to this Court that representation was made praying for grant of pension under the provisions of the Calcutta Tramways Company (1978) Limited Employees Pension Regulations, 2001, which has not been considered and disposed of till date.
7. In that view of the matter, this Court directs the Managing Director of West Bengal Transport Corporation/respondent no.4 to consider the representation of the petitioners dated 25th December, 2020 and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioners or their authorized representative and to communicate such decision to the petitioners immediately thereafter. The entire exercise shall be completed within a period of eight weeks from the date

of communication of this order along with a copy of the representation dated 25th December, 2020.

8. With this above direction, the writ petition along with all connected applications stand disposed of.
9. There shall be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)