

07.
18.7.2023
S.D.

W.P.A. 14668 of 2023

Sk. Abu Bakkar Ali

Vs.

Calcutta State Transport Corporation & Ors.

Ms. Susmita Dey (Basu)

..For the Petitioner

Mr. Amal Kumar Sen, A.G.P.,

Mr. Sabyasachi Mondal

...For the C.S.T.C.

The petitioner is working with the Calcutta State Transport Corporation (CSTC). The petitioner was appointed as a Trainee Driver on March 23, 1998. On completion of the period of training the petitioner was appointed as a Bus Driver on July 10, 1989. The petitioner was initially kept on probation and thereafter his service was regularized by a letter dated July 10, 1989.

The petitioner fell seriously ill during the period of 2001-2002. After being discharged, the petitioner applied for an alternative lighter employment before the authorities concerned. The petitioner joined the post of the Security Guard with effect from March 23, 2002 pursuant to an order passed by the Deputy Managing Director.

Ms. Dey Basu, learned counsel appearing on behalf of the petitioner submits that the petitioner should be given pay protection after being designated to the post of Security Guard from the post of Driver. The petitioner filed a previous writ petition and the same was disposed of by an order passed by a Coordinate Bench on May 12, 2011 directing the authorities concerned to consider the representation of the petitioner. The petitioner's pay scale was fixed after the said order and some increments were given to the petitioner from time to time. However, the issue of pay protection was not considered by the said order.

The petitioner has now retired from service with effect from November 30, 2022. The petitioner again approached this Hon'ble Court for release of interest on delayed payment of terminal benefits. Pursuant to the order passed by this Court in W.P.A. 23164 of 2022, the petitioner was directed to be paid interest on delayed payment of terminal benefits.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that representation of the petitioner dated March 2, 2023 should be considered by the Managing Director/the respondent no. 3 within a period of 8 weeks from date upon giving a personal hearing to the petitioner. The same should be disposed of by

passing a reasoned order and the reasoned order shall be communicated to the petitioner within two weeks of passing thereof.

In case, it is found by the respondent no. 3 that the petitioner is entitled to the benefits of pay protection, then the same shall be disbursed by the CSTC to the petitioner within three months from the date of passing of the reasoned order.

With the direction aforesaid, **W.P.A. 14668 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)