

16-11-2023
ct no. 13
sl. 21
pk

WPA 18988 of 2023

Suvendu Seal
-Versus-
State of West Bengal & Ors.

Mr. Sayan Chattopadhyay,
Ms. Ayesha Iman,
Ms. Esha Das
...for the petitioner

Mr. Amal Kumar Sen,
Mr. Sabyasachi Mondal
...for the C. S. T. C.

1. The writ petitioner is aggrieved by the quantum of terminal benefits paid to him. The petitioner superannuated from service on 31st August, 2019 as a driver under the C. S. T. C. The petitioner accepted his terminal benefits without demur sometime in the year 2019.

2. Against an RTI application made as regards the petitioner's service, the respondents replied that the petitioner joined service on 16.04.1991 and superannuated on 31st August, 2019. During his service he was absent for 11 years, 11 months and 8 days i.e. 4353 days.

3. The petitioner would argue before this Court that treating the said period of 4353 days as dies-non is ex facie illegal as the petitioner ought to have been proceeded for disciplinary action. In the absence of any such action the said period of 4353 days ought to be treated as on service.
4. This Court has carefully considered the petitioner's argument and the documents annexed to the writ petition.
5. There is no serious or emphatic denial of the fact that the petitioner was absent from service for more than 11 years. A denial if any even otherwise cannot be accepted as no employee would remain silent for not receiving salary or remuneration for 11 years.
6. A co-ordinate bench had granted the petitioner an opportunity to produce the salary slips for the length of his service or some during the period of 11 years. The petitioner has not been able to do so.
7. This Court notes that despite being absent for more than 11 years, the petitioner was allowed to superannuate from service and

has been paid certain retiral dues. In such circumstances, the writ petitioner could have been dismissed from service or discharged or otherwise.

8. In the peculiar facts and circumstances of the case, this Court is of the view that the writ petition is purely speculative and the writ petitioner has received appropriate compensation for his service. The question of entertaining any further claims of the petitioner does not and cannot arise.

9. The writ petition is dismissed.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)