

36.
20.9.2023
S.D.

W.P.A. 21167 of 2023

**Somnath Bhattacharjee & Anr.
Vs.
The North Bengal State Transport Corporation & Ors.**

Mr. Sufih Masih Aftab

..For the Petitioners

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

Mr. Sabyasachi Mondal

...For the NBSTC

The petitioners are retired employees of the North Bengal State Transport Corporation (NBSTC). The petitioner no. 1 retired from service on November 30, 2022 and the petitioner no. 2 retired from service January 31, 2021. The petitioners pray for grant of the second benefits of the Career Advancement Scheme (CAS) pursuant to the West Bengal Finance Department's Memo dated June 21, 1990 subsequently modified by a Memo dated March 13, 2001. The benefits have also been enhanced by the Finance Department of State of West Bengal by a Memo dated September 4, 2000. By a Memo dated September 27, 2000, the Transport Department of the State Government introduced such benefits to the employees of the West Bengal Transport Department. Following the Transport Department's Memo, the Managing Director,

NBSTC by an Office Order dated July 23, 2002 extended such benefits to the employees of the NBSTC.

The petitioners prayed for payment of the second CAS benefits by representations dated December 6, 2018 onwards to the Managing Director/respondent no. 2.

Mr. Aftab, learned counsel appearing on behalf of the petitioner submits that the petitioners are entitled to second CAS benefits.

Mr. Sen, learned Additional Government Pleader appearing on behalf of the NBSTC submits that even though the petitioners are working in the post as LDC, they may have been given a promotion. In that event, they will not be entitled to the second CAS benefits.

In reply, it is submitted on behalf of the petitioners that no promotion has been given to them. The petitioners were re-designated in the same post. In the similar circumstances, the private respondent no. 4, has been given the benefits of second CAS.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served by directing the Managing Director, NBSTC/respondent no. 2 to consider and dispose of the representations dated December 6, 2018 onwards. The

Managing Director/respondent no. 2 will pass a reasoned order within eight weeks from date upon giving a personal hearing to the petitioners and the same be communicated to the petitioners within two weeks of passing thereof.

The Managing Director will take into account the CAS benefits that has been given to the private respondent no. 4.

In the event, the petitioners are found to be eligible for grant of second CAS benefits such payments will be disbursed within three months from the date of the Managing Director's order.

With the directions aforesaid, **W.P.A. 21167 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the present writ petition, the allegations contained in the writ 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.)

