

08.06.2023
DL-25
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23057 of 2022

Himangshu Biswas
Vs.
The State of West Bengal & Ors.

Mr. Susanta Pal

....for the petitioner.

Mr. Amal Kumar Sen

....for the State.

Ms. Deblina Chattaraj,
Ms. Sristi Paul

.....for WBTCCL.

The grievance of the petitioner is three-fold:-

- (a) Non payment of 25% of the arrears of salary.
- (b) Retiral pensionary benefits.
- (c) Increment due to the Career Advancement Scheme (CAS).

Mr. Pal, learned counsel appearing on behalf of the petitioner submits that during the pendency of the writ petition the first grievance of the petitioner has been redressed. The petitioner has been paid the arrears of his salary. As far as the second grievance of the petitioner is concerned, he refers to an order passed by a Coordinate Bench of this Hon'ble Court on May 10, 2023 in WPA 12697 of 2021. As per the order dated May 10, 2023, the grievance/representation of the petitioner with regard to non-payment of pensionary benefits was directed to be considered by the Managing Director of West

Bengal Transport Corporation Limited (WBTCCL). He prays for the representation of the petitioner in the aforesaid respect to be considered by the Managing Director, WBTCCL even though the petitioner admittedly did not fill up the requisite pension option form within the stipulated date. Since the petitioner was suspended from his service on May 23, 1998 and was only reinstated to the post of Khalashi on July 15, 2005, the petitioner may not have been able to fill up the option form within the stipulated period. The petitioner was subsequently honourably acquitted from the criminal charges by an order dated March 24, 2021 by the learned 3rd Judicial Magistrate, Alipore. It is also possible that when the advertisement was made in the newspaper, the petitioner being a Khalashi may not have been able to peruse the same and exercise the option within the extended date.

In such view of the matter, this Court directs the Managing Director, WBTCCL to consider the representation of the petitioner in respect of exercise of the pension option form within a period of 8 weeks from date and pass a reasoned order thereon. The said reasoned order shall be communicated to the petitioner within 2 weeks of passing thereof.

As far as the 3 CAS benefits are concerned, it is submitted by Mr. Pal that the petitioner is willing to accept the benefits of 2 CAS benefits.

From a report affirmed on March 1, 2023 on behalf of WBTCL by the Chief Accounts Officer in-charge of the Corporation, it appears that 2 CAS benefits have been admitted by the Corporation. It has been stated in the said report that the first CAS benefit was due on February 1, 1999 to the petitioner. The second CAS benefit was due to the petitioner on July 1, 2016.

Since the aforesaid admitted CAS benefits have not been granted to the petitioner, let the same be granted along with arrears thereof within a period of 3 months from the date of the order, upon compliance with all the necessary formalities.

With the directions aforesaid, **WPA 23057 of 2022** 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.)