

November 20, 2023  
Sl. No. 16  
Court No.2  
s.biswas

**In the Calcutta High Court  
Circuit Bench at Jalpaiguri  
Appellate Side**

WPA 2463 of 2023

*Bijoy Kumar Mandal*

*vs.*

*The State of West Bengal and others*

Mr. Debanjan Das

... for the petitioner

Mr. Subir Kumar Saha, AGP

Ms. Bedushruti Bose

... for the State

Mr. Bikramaditya Ghosh

... for the NBSTC

Affidavit of service filed by the petitioner is taken on record.

The petitioner has challenged the inaction on the part of the North Bengal State Transport Corporation in preparing the pension papers etc. of the petitioner and transmitting the same to the appropriate authority for release of his retiral benefits.

The petitioner was engaged in the North Bengal State Transport Corporation as an Artisan in the year 1995 by the office establishment order no.336. The petitioner was thereafter brought to the regular establishment of the corporation and appointed as a permanent Artisan.

The petitioner retired from service in the year 2020. Till date, the petitioner is awaiting for

release of all the pensionary benefits. The petitioner has approached the authorities on numerous occasions for release of gratuity and pension, but the same has not been withheld.

According to the petitioner, no disciplinary proceeding is pending against the petitioner, but the authorities are withholding the retiral benefits arbitrarily and without any basis.

The petitioner has reason to believe that the pensionary benefits of the petitioner has not been released as yet, in view of the fact that the police verification report which was required at the time of initial appointment of the petitioner had not been furnished before the NBSTC by the police authorities.

It is not in doubt that the petitioner has the qualifying service, for grant of pension. Whether the petitioner had any previous criminal antecedent or not, is not available with the record. Yet, the petitioner was allowed to work from 1995 to 2020, i.e. for long 25 years without any adverse report from the police authorities. The only logical conclusion is that, nothing had been found against the petitioner. That is why NBSTC allowed the petitioner to work in the regular establishment till his retirement. The question of police

verification after the retirement, would not arise. The entitlement of pension and all other retirement benefits shall thus be decided on the service of the petitioner. However, if there are other reasons which would come in the way of allowing the retiral benefits, such reasons shall be made known to the petitioner, but non-submission of police verification report by the police authorities, shall not be a ground for withholding the retirement benefits.

The Managing Director of the NBSTC, Cooch Behar shall treat the writ petition as a representation of the petitioner and dispose of the same in accordance with law. The police verification report which was sought at the time of joining of the petitioner, shall not be relevant any more. The service rendered by the petitioner will be the sole consideration. The pensionary benefits shall be released immediately, if the petitioner is otherwise eligible. The entire exercise shall be completed within a period of four months from the date of communication of the order.

As the matter is of non-grant of pensionary and all other retirement benefits of an employee who has rendered more than 25 years of service without interruption, the time period shall be

strictly adhered to and the authorities shall ensure compliance of the order.

The writ petition is disposed of accordingly.

All the parties are directed to act on the basis of the server copy of the order.

**(Shampa Sarkar, J.)**