

OD-5

ORDER SHEET

WPO 898 of 2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BIPLAB NASKAR
VS.
WEST BENGAL TRANSPORT CORPORATION LIMITED & ORS.

BEFORE:
The Hon'ble JUSTICE LAPITA BANERJI
Date: 30th June, 2023.

Mr. Victor Chatterjee, Mr. Sondeep Chakraborty, Mr. R.
Singh, Advocates for the petitioner.

Mr. Niladri Bhattacharjee, Ms. Deblina Chattaraj, Ms. Anjana Dutta,
Ms. Sristi Paul, Advocates for WBTC Limited.

The Court : The writ petitioner claims to have been provisionally engaged as a ticket seller-cum-conductor with the West Bengal Transport Corporation Limited (WBTCCL). WBTCCL was formerly known as The Calcutta Tramways Company (1978) Limited.

The petitioner was engaged since 2010. It is the case of the petitioner that 258 similarly placed employees have been regularised by the company in a phased manner. However, the service of the petitioner has not been regularised till date.

Mr. Chatterjee, learned Counsel appearing on behalf of the petitioner submits that the petitioner has been unfairly discriminated against his junior who has already been regularised by an order dated March 3, 2021

passed by a Co-ordinate Bench in WPA 4650 of 2020 (**Nitish Anand Vs. WBTCCL & Others**). The writ petitioner's representation was directed to be considered by the Managing Director. Pursuant to the consideration of such representation, the service of one Nitish Anand was regularised. Therefore, the petitioner has prayed for regularisation of his service.

Ms. Chattaraj, learned Counsel appears on behalf of WBTCCL and submits that even though the service rendered by one Nitish Anand was regularised, he may not be placed on equal footing with that of the petitioner.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be subserved by directing the Managing Director, WBTCCL/respondent no.3 or any other authority delegated by him to consider the representation of the petitioner dated November 22, 2022 within ten weeks from date upon giving an opportunity of hearing to the petitioner.

Such representation will be disposed of by a reasoned order and the same shall be communicated to the petitioner within two weeks of passing thereof.

In disposing of the aforesaid representation, the case of Nitish Anand shall be considered by the respondent no.3/his deligate.

With the directions aforesaid, **WPO 898 of 2023 is disposed of.**

Since no directions for affidavits are passed, the parties are deemed not to have admitted the allegations in the present proceedings.

All parties are to act on server copy of this order as downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(LAPITA BANERJI, J.)