

07.08.2024

**Sl. No. 41
Ct. No. 23
Srimanta**

WPA/8410/2024

Sk. Abu Bakkar Ali

-Vs.-

Calcutta State Transport Corporation

Mr. Manas Kumar Ghosh,
Ms. Susmita Dey (Basu)

...for the petitioner.

Respondents remain unrepresented despite service. Considering the nature of the writ petition, the same is taken up in the absence of the respondents.

The petitioner was appointed as a 'Trainee Driver' in the Calcutta State Transport Corporation (in short, CSTC) in terms of an appointment letter dated 28th March, 1988. Subsequently, the petitioner was found eligible for being appointed as a 'Bus Driver' in the time scale No. 300-10-400-15-565-20-685 with other admissible allowances, if any. On being appointed as a 'Bus Driver' the petitioner was placed in probation as will appear from the letter dated 10th July, 1989. On expiry of the probation period the petitioner was appointed as permanent 'Bus Driver'. The petitioner in 2001-2002 fell seriously ill and had to be admitted in the Hospital. The Managing Director of CSTC on being approached permitted the petitioner to work as 'Security Guard'. The scale of pay of

'Security Guard' was different to that of a permanent 'Bus driver'. As a consequence whereof, the petitioner's salary and emoluments decreased. The petitioner is claiming the benefits given to another 'Bus Driver' who was appointed along with the petitioner. The petitioner had approached this Court by filing a writ petition being WP No. 5047 (W) of 2011 which was disposed of by an order dated 12th May, 2011 permitting the petitioner to make a representation before the competent authority. The petitioner thereafter made a representation on 19th May, 2011 which, according to the petitioner, was not redressed in proper manner and spirit for which the petitioner once again approached this Court by filing a writ petition being WPA No. 14668 of 2023. The said writ petition was disposed of by an order dated 18th July, 2023 directing the Managing Director of CSTC to consider the petitioner's representation dated 2nd March, 2023. Even prior to filing of the said writ petition the petitioner had approached this Court and filed a writ petition being WPA No. 23164 of 2022. The petitioner had retired from his service with effect from 30th November, 2022. This writ petition has been filed on 19th March, 2024 challenging the reasoned order passed by the Managing Director, CSTC in terms of the direction given by the order

dated 18th July, 2023. The petitioner says that the petitioner has received all his retiral benefits but has been allegedly deprived by the pay protection. This is the fourth round of litigation. In each of the earlier rounds of litigation the pay protection claimed by the petitioner was the subject-matter. It is now well settled that successive writ petitions should not be entertained where it is found that such writ petitions are filed only to achieve a favourable order and until such favourable order is passed the flow of writ petitions continues. In this context, one can rely on the Judgments reported in **1961 SCC OnLine SC 21 [Daryao & Ors. Vs. State of U.P. & Ors.]** and in **2012 (5) SCC 398 [Sunil Kumar vs. State of Haryana]**. It is also equally settled that repeated representations are not required to be entertained. In the instant case, even otherwise, I also do not find any reason to interfere with the impugned order dated 22nd September, 2023 which has been communicated to the petitioner by a letter dated 12th October, 2023. In the said order all points raised by the writ petitioner has been dealt with by providing facts and figures including the case of the person when the petitioner claims to be similarly circumstanced.

The writ petition, therefor, fails and is, accordingly, dismissed. The dismissal of the writ

petition, however, will not stand in the way in the petitioner receiving any benefit allowed by the order impugned. CSTC is directed to comply with the order impugned.

(Arindam Mukherjee, J.)