

10 13.03.2024
AN Ct. No. 08

MAT 832 of 2023
With
IA No. CAN 1 of 2023

Shri Tapas Adhikary & anr.
vs.
State of West Bengal & Ors.

Mr. Swarup Paul
Mr. G. S. Dutta
Mr. Anish Roy

... for the appellants

Mr. Niladri Bhattacharjee
Ms. Deblina Chattaraj

... for the respondent Corporation

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas

... for the State

We have heard learned counsel for the parties at length.

Instead of filing an affidavit, a communication dated 05.02.2024 sent to Mr. Niladri Bhattacharjee, learned counsel representing the respondent Corporation in this appeal is produced which is taken on record. In the said communication dated 05.03.2024, the West Bengal Transport Corporation Limited has inter alia made the following observations:

“This may also be kindly noted that said Mahadeb Kar and Chandan Das submitted respective letter dated 11.01.2022 before the Joint Managing Director wherein they prayed for pay fixation w.e.f. 01.04.2000 without arrear thereof.

The instant writ petitioners have already been paid arrear from August 2009. We may consider the present petitioners’ claim in the same line of

Mahadeb Kar and Chandan Das where their pay has been implemented/refixed.”

In view of the aforesaid stand taken by the Corporation, we dispose of the appeal by directing the Corporation to consider the claim of the petitioner in the same line of Mahadeb Kar and Chandan Das where their pay has been implemented/refixed.

In view of the aforesaid, we direct the Managing Director of the Corporation to decide the claim of the writ petitioner in the same line of Mahadeb Kar and Chandan Das where their pay has been implemented/refixed. We also record that the writ petitioners have already been paid their arrears from August, 2009.

In the result, both the appeal and the connected application stand **disposed of** directing the Corporation to follow the aforesaid directions within a period of four weeks from the date of communication of the order by either of the parties upon giving reasonable opportunity of hearing to the writ petitioner and pass a reasoned order and the reasoned order shall be communicated to the writ petitioner within a period of three weeks from the date of the order.

(Uday Kumar, J.)

(Soumen Sen, J.)