

22.11.2024

Court No.23

DL – 5

(PP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 24772 of 2024

**Shib Kinkar Banerjee
-versus-
The North Bengal State Transport
Corporation & Ors.**

Mr. Sufi Masih Aftab
....for the Petitioner.

Mr. Amal Kumar Sen
....for NBSTC.

The petitioner retired from the services of North Bengal State Transport Corporation (in short, NBSTC) on attaining the age of superannuation with effect from 31st March, 2024. The petitioner says that he has received the 1st tranche of Career Advancement Scheme (in short, CAS), 1990 in terms of the Government Order bearing No.6075-F dated 21st June, 1990 for rendering 10 years continuous and satisfactory service. However, the petitioner has not been given the 2nd tranche of CAS benefit which has fallen due on successful completion of service for further 10 years. The petitioner also alleges that the respondent no.4, being a similarly situated employee of NBSTC, has received the 2nd tranche of CAS benefit. The petitioner says in view of the ratio laid down in State of Uttar Pradesh & Ors. vs. Arvind Kumar Srivastava & Ors. reported in (2015) 1 SCC 347, the

petitioner is to be given the benefit which has been given to the respondent no.4, another employee similarly circumstanced.

After hearing the parties and considering the materials on record, I find that justice will be sub-served if I direct the respondent no.2, being the Managing Director of NBSTC to consider the petitioner's case as made in the representation dated 24th January, 2023 appearing at page 24 of the writ petition as Annexure – 'P-4' thereof and dispose of the same by a reasoned order within a period of two months from the date of communication of this order after giving the petitioner a reasonable opportunity of being heard.

It is made clear that I have not gone into the merits of the case and the concerned authority shall be free to adjudicate all issues raised before him independently and without being influenced by any observation made in this order.

The parties including the respondent no.2 shall act on the basis of a server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)