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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

IA NO.GA/1/2024
IN
RVWO/20/2024
BIDYUT KUMAR BASU
-VS-
STATE OF WEST BENGAL AND ANR.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 25TH APRIL, 2024.

Appearance :
Mr. B. Patra, Adv.; Mr. S. Banerjee, Adv.

Mr. S. Kundu, Adv.; Mr. M.K. Seal, Adv.;

1. The Court: Review is sought of the order dated 2nd April, 2024 passed in RVWO/1/2024 (Cygnnet Industries Ltd. –vs- State of West Bengal).
2. The original order was passed on November 28, 2023 in WPO/1301/2023. Back wages of a dismissed employee were directed to be calculated in the order dated November 28, 2023 considering the retirement age of the workman as 58 years and therefore until November 11, 2020.
3. By the order dated April 2, 2024, passed in RVWO/1/2024 at the instance of the management, it was pointed out that the standing orders specified the retirement age of the workman to be 55 years. Such standing order is once again produced before this Court today.

4. The workman seeks second review of the order dated November 28, 2023, as reviewed on April 2, 2024, to grant him the additional three years of service and thereby increase his terminal benefits by three years as originally granted in the order dated November 28, 2023.
5. Reliance is placed on four letters dated January 16, 2017; July 25, 2019; October 5, 2020 and March 18, 2020, issued to four employees. The letters, by referring to certified standing orders of the company, specify that the age of superannuation in the company's certified standing orders was 58 years.
6. It is sought to be explained by learned counsel for the management that the reference to the standing order and the superannuation age of 58 years are incorrect. It is only a workman with good track record who is granted the benefit of three extra years of service. The aforesaid is submitted on specific instructions of the management. This Court holds the Managing Director of M/s. Cygnet Ltd. responsible for such instructions.
7. In view of the above, there is no question of altering the date of superannuation in the Standing Order which remains unaltered, at 55 years.
8. The review application cannot therefore be maintained. RVWO/20/2024 stands dismissed along with GA/1/2024 with a warning to the workman Bidyut Kumar Basu of the penal costs if he files such frivolous application in future.

(RAJASEKHAR MANTHA, J.)

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