

D/L 11
15.12.2025
Rohit
ct.no.12

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**FMA 701 of 2019
With
CAN 2 of 2018 (Old No: CAN 3361/2018)**

**Dulal Chandra Sarkar
Versus
State of West Bengal & Ors**

Ms. Mousumi Bhowal
Mr. Ishan Bhattacharya

... for the Appellant

Mr. Amal Kumar Sen, A.G.P
Ms. Debdooti Dutta

...for the North Bengal State
Transport Corporation

1. Heard the learned Counsel for the appellant as well as the learned Counsel for the respondent.
2. This appeal is directed against the order dated 15.06.2017 passed by the learned Single Judge of this Court in W.P. 9690 (W) of 2017.
3. It is the case of the appellant that he is a retired employee of the North Bengal State Transport Corporation ('Corporation' for short) and being aggrieved due to non-payment of his retiral benefits he had approached the learned Single Judge by way of W.P. 9690 (W) of 2017. However, the learned Single Judge did not entertain the said writ petition by applying the ratio laid down by a Division Bench of this Court in **Sanjit Kumar Paul-Vs- South Bengal State Transport Corporation & Another**. However, liberty was

granted to the appellant to approach the appropriate authority in accordance with law ventilating his grievances.

4. While hearing this appeal it has been brought to our notice the judgment and order passed by a Co-ordinate Bench of this Court in ***Pijush Paul Vs- The Calcutta State Transport Corporation & Ors (MAT 1552 of 2017)*** wherein after considering the ratio laid down in ***Sanjit Kumar Paul*** (supra) the Co-ordinate Bench of this Court came to the conclusion that in orders passed by the appellate authority and/or by the disciplinary authority relate to the service conditions of employees of Kolkata State Transport Corporation and, therefore, in the opinion of their lordships, the same are not matters which qualifies as an industrial dispute.
5. Applying the ratio laid down by a Co-ordinate Bench of this Court in the case of ***Pijush Paul*** (supra) we are of the view that non-payment of retiral benefits to the petitioner relate to the service conditions of the petitioner who was an employee of the Corporation and the same does not qualify as an industrial dispute. Accordingly the order dated 15.06.2017 passed by the learned Single Judge in W.P. 9690 (W) of 2017 is set aside and the same is remanded back to the learned Single Judge with a request to hear the writ

petition being W.P. 9690 (W) of 2017 afresh on merit after exchange of affidavits.

6. As the matter relates to the year 2017 we also request the learned Single Judge to hear and dispose of the said writ petition at the earliest.
7. Let affidavit-in-opposition to the said writ petition be filed within two weeks from today and thereafter the appellant/writ petitioner is permitted to file reply within a period of two weeks thereafter.
8. The appeal is accordingly disposed of.
9. Before parting with these records we also make it clear that we have not gone into the merits of the case.
10. Urgent certified website copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Lanusungkum Jamir, J.)

(Partha Sarathi Chatterjee, J.)