

Court No. 2

21.4.2025

(Item No. 24)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1174 of 2025

Renuka Mallick

VS

The Calcutta State Transport Corporation & Ors.

Mr. K. M. Hossain

Ms. Keya Sutradhar

Mr. Kazi Ardan Ali

.... For the petitioner

Mr. Amal Kumar Sen

Ms. Sahina Sumi

... for respondent nos. 1 to 4

Affidavit of service filed in Court today is taken on record.

The husband of the petitioner was a deceased employee of the respondent no. 1. The husband died on **March 2, 2023**. The husband initially opted for Contributory Provident Fund (CPF) then by virtue of the policy decision adopted by the C.S.T.C. like other employees those who were similarly placed as that of the deceased employee, he wanted to opt for General Provident Fund (G.P.F) scheme.

A writ petition being **W.P.A. 19506 of 2010** was filed by the retired Employees' Association. During pendency of the said writ petition the deceased employee died. However, a co-ordinate bench in its judgment dated **February 1, 2024** allowed the writ

petition. The modes and modalities were directed in **paragraph 22** of the said judgment.

Subsequently, the petitioner being the widow of the said deceased employee applied for conversion of the scheme and her prayer was rejected by C.S.T.C. by its order dated **August 21, 2024**. Considering that the policy decision taken by C.S.T.C. for conversion of the Provident Fund scheme for their employees being a welfare policy decision, this Court is of the view that, the appropriate authority of C.S.T.C. may consider the case of the petitioner but in the strict manner as the modes and modalities laid down by the co-ordinate bench in its judgment dated **February 1, 2024**.

Considering the special circumstance that the deceased employee died during pendency of the writ petition, whose claim has also succeeded before the co-ordinate bench, this order is being passed. This order shall not be treated as precedence.

Accordingly, the decision of the C.S.T.C. dated **August 21, 2024** stands **set aside** and **quashed**.

The C.S.T.C. authority may consider the case of the petitioner and it is expected by this Court that such consideration will be in a sensible manner.

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

With the above observations and directions,
this writ petition **W.P.A. 1174 of 2025** stands
disposed of, without any order as to costs.

Photostat certified copy of this order, if applied
for, be furnished expeditiously.

(Aniruddha Roy, J.)