

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

11 07.4.2025
Sc Ct. no.2

WPA 4738 OF 2025

Sri Malin Chandra Naskar

Vs.

The Calcutta State Transport
Corporation & Ors.

Mr. Prabir Chatterjee
Ms. Adrija Chatterjee.

....For the Petitioner

Mr. N. C. Bihani
Ms. Papiya Banerjee Bihani
Mr. Soumyajit Ghosh.

....For the Respondents

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

Mr. Prabir Chatterjee, learned Counsel along with Ms. Adrija Chatterjee, learned Advocate appears for the petitioner.

Mr. N. C. Bihani, learned Senior Counsel being ably assisted by Ms. Papiya Banerjee Bihani, learned Advocate and Mr. Soumyajit Ghosh, learned Advocate appears for the respondents.

The petitioner claims monetary benefits on account of ***Leave Encashment for 300 days*** instead of 180 days. The petitioner submitted a representation dated ***January 16, 2025, Annexure – P3 at page 26*** to the writ petition but the same has not yet been considered.

In view of the above, the respondent no.3 is directed upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall consider the said representation dated **January 16, 2025, Annexure – P3 at page 26** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.3 positively within a period of **eight weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner within a further period of **one week** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records, documents, rules and provisions of law before the respondent no.3 but the same shall not travel beyond the scope of the said representation dated **January 16, 2025**.

In the event the reasoned decision goes in faovur of the petitioner, then the appropriate State authority including the appropriate authority of the Finance Department of the State shall take all necessary and consequential steps to give an immediate effect to the said reasoned order but positively within a period of **four weeks** from the date of communication of the order to such appropriate State authority.

The payment shall be released in favour of the petitioner ***positively*** within a period of ***six weeks*** from the date of the said reasoned order to be passed by the appropriate State authority and/or the appropriate authority of the Finance Department of the State.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his claim before the respondent no.3 strictly in accordance with law.

It is also made clear that if the petitioner is found to be eligible to receive ***Leave Encashment Salary*** the necessary reasoned order shall also be passed even if it is not for 300 days but strictly in accordance with law and the consequential directions as directed above shall be carried out strictly as a mandatory directions of this Court.

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, ***WPA 4738 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.)