

07.04.2025

Ct. no.2

Sl. 38

b.r.

WPA 6367 of 2025

Biplab Das

Vs.

Calcutta State Transport Corporation & Ors.

Ms. Susmita Dey(Basu)

.... For the petitioner.

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

Ms. Susmita Dey(Basu), learned counsel appearing for the petitioner.

None appears for the respondents, despite notice.

The petitioner is an employee of the **Calcutta State Transport Corporation**. By way of an application dated **November 5, 2024, annexure p-2** at **page-11** to the writ petition, the petitioner requested the employer to provide and disburse of **Non-Refundable loan** for a sum of **Rs.4,00,000/-** from the **General Provident Fund Account (GPF)** of the petitioner maintained with the employer. The application has not been heeded.

The amount lying in GPF account with the employer is the sole contribution of the employee. The employee has a right to withdraw any portion of

such contribution upon compliance of the necessary formalities and statutory requirements, if any. The employer cannot resist such right of the employee.

In view of the above, the **respondent no.3** is directed upon issuing a prior hearing notice to the petitioner of at least **seven days** and after affording him an opportunity of hearing shall decide the application of the petitioner **annexure p-2 at page-11** to the writ petition, as referred to above, 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 **four weeks** from the date of communication of this order and 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 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 and documents he wishes to rely upon before the respondent no.3.

In the event, the reasoned order goes in favour of the petitioner, the respondent no.3 and/or the appropriate authority of the employer shall immediately disburse the same to the credit of the

bank account of the petitioner, in accordance with law, but positively within a period **two weeks** from the date of the said reasoned order to be passed, upon compliance of all the formalities and statutory requirement, if any.

In view of the above, the communication dated **December 13, 2024, annexure p-3 at page-12** to the writ petition stands **set aside** and **quashed**.

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 6367 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.)