

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

05 23.6.2025
Sc Ct. no.2

WPA 11570 OF 2024

Madhab Barman & Ors.

Vs.

The North Bengal State Transport
Corporation & Ors.

Mr. Sufi Masih Aftab

.....For the Petitioners

Mr. Amal Kumar Sen, AGP

Mr. Sabyasachi Mondal.

.....For the Respondent
Nos. 1 & 2/NBSTC

Mr. Dipanjan Datta

Mr. Sayan Datta.

.....For the Respondents
State

The petitioners claimed to be the Contractual Conductors falling under the **Group – C** category of the respondent no.1. They were also engaged as Contractual Conductors as would be evident from the averments made in **paragraph 3** to the writ petition.

Citing an example of the private respondent no.6, though she is not represented before this Court today despite notice, Mr. Sufi Masih Aftab, learned advocate appearing for the petitioners submits that, she is also similarly placed contractual worker who has been extended with certain additional monetary benefits but for the petitioners, the same has been denied.

Learned advocate for the petitioners refers to the two impugned memos dated **September 20, 2023, Annexure-P7 at page 51** and **October 5, 2023, Annexure - P8 at page 53** to the writ petition and submits that, by virtue of the said two impugned orders, issued by the respondent no.2, the additional monetary benefits were declined for the petitioners.

Mr. Amal Kumar Sen, learned Additional Government Pleader appearing for the respondent nos. 1 and 2 and Mr. Sayan Datta, learned State advocate led by Mr. Dipanjan Datta, learned Senior Government Advocate submit that, the Finance Department Memo dated **February 8, 2019** extending the benefit at **page 48** to the writ petition is only applicable for the contractual workers engaged in various Government establishments. The same was modified by subsequent memos dated **September 19, 2019** and **September 20, 2023** whereby the financial benefits were enhanced for the contractual workers of various Government establishments and the State Transport undertakings were specifically excluded from this benefit. Therefore, the petitioners' claim was rejected.

Learned counsel for the petitioners submits that, if the parent memo dated **September 16, 2011** applies for the petitioners, who are the contractual workers of the State Transport undertakings and the benefits are still being received by them, then all subsequent modifications

of the parent memo shall also grant them the additional benefits and the benefits cannot be taken away.

After considering the rival contentions of the parties and upon perusal of the materials on record and on specific reading of the impugned orders dated **September 20, 2023** and **October 5, 2023, Annexures - P7 and P8** respectively, it appears to this Court that, the Finance Department of the State by introducing its subsequent memos, as discussed above, has decided that, the additional monetary benefit/enhancement of salary shall not be extended to the contractual workers of the State Transport undertakings. This is a policy decision of the State.

The law is well settled that, unless a policy decision is challenged by showing an apparent and *ex facie* perversity, *mala fide*, illegality and arbitrariness on the face of it, such policy decision cannot be subjected to judicial review before this Constitutional Court. No such challenge is there in the instant case.

The employment of the petitioners being contractual workers is also a policy decision of the State. Similarly, the pay scale and revision of such pay scale are also the policy decision of the State. There is no arbitrary or *mala fide* apparent or *ex facie* on the face of the said impugned orders dated **September 20, 2023** and **October 5, 2023**. The reasons mentioned therein are very specific and in sync with the State policy.

In view of the above, this Court finds no merit in the instant writ petition.

In view of the foregoing reasons and discussions this writ petition, **WPA 11570 of 2024** stands ***dismissed***, without any order as to costs.

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

(Aniruddha Roy, J.)