19
11.08.2025
Court No. **2**
D.Hira

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 16695 of 2025

Maloy Das
Vs.
State of West Bengal & Ors.

Mr. Manas Kumar Ghosh,
Ms. Susmita Dey (Basu).
... for the petitioner

Mr. N.C. Bihani, ld. Senior Advocate,
Mr. Soumyajit Ghosh.
... for the C.S.T.C.

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

Mr. N.C. Bihani, learned senior counsel appears for the C.S.T.C.

This is the second round of litigation on the self-same issue.

The solitary claim of the petitioner is that the petitioner requested the C.S.T.C. to grant a loan for a sum of Rs.3 lakhs from his G.P.F. account.

In the first round of litigation, this Court passed its order dated April 7, 2025 **Annexure P-1 at page 12 to the writ petition** where under C.S.T.C. was directed to consider the case of the petitioner in the manner and mode as it was directed therein.

Following the said direction of this Court, C.S.T.C. passed its reasoned order dated June 9, 2025 **at page 16 to the writ petition**. Under the said reasoned order C.S.T.C.

had agreed for granting a **Non-Refundable loan** to the extent of **Rs.1,00,000/- only** and accordingly the direction was made for necessary sanction of the said loan.

Learned counsel for the petitioner today has relied upon **The General Provident Fund (West Bengal Services) Rules** and submits that the petitioner is entitled to receive a loan to the extent of 75% of the total accumulation. Learned counsel for the petitioner submits that the total accumulation on account of the petitioner would be around **Rs.8,00,000/-** and therefore, the petitioner should be granted a loan for a sum of **Rs.3,00,000/-**.

Per contra, Mr. Bihani, learned senior counsel has referred to **The General Provident Fund Rules** framed by **C.S.T.C.**, which is the **Governing Rule**.

Relying upon Rules 13 and 14 from the said C.S.T.C. Rules, Mr. Bihani, submits that the provision for granting **Non-refundable loan** is to the extent of Rs.1,25,000/- or 75% of the total accumulation whichever is lesser.

Accordingly, the petitioner can receive a loan to the extent of **Rs.1,25,000/-**.

After considering the rival contentions of the parties, on a plain and meaningful reading of the said two sets of Rules, this Court is of the view that the Rule which has been referred to on behalf of the petitioner is restricted for and shall apply to **Government Employees**. The petitioner is not a Government employee. The petitioner is an employee of a State Government Undertaking. The said undertaking has its own Rules. Therefore, the petitioner shall be governed by the said Calcutta State Transport

Corporation Rules under which he is eligible for a sum of **Rs.1,25,000/-** as **Non-refundable loan**.

On query being raised by the Court, learned counsel for the petitioner submits that she is not aware of the Calcutta State Transport Corporation Provident Fund Rules.

It is unbelievable that an employee of the Calcutta State Transport Corporation being the petitioner is not aware of the Rules by which he is governed.

On the face of the said Rules as referred to on behalf of the pet6itioner, it shows that the said Rule is restricted for the Government Employees and admittedly the petitioner is not a Government Employee.

This Court expresses its conscious agony with regard to the sharp practice sought to be adopted by the petitioner by not showing the Correct Rules to this Court.

In view of the foregoing reasons and discussions, this writ petition **WPA 16695 of 2025 stand dismissed**, with a cost assessed at Rs.2000/- to be paid by the petitioner in favour of the benevolent fund, Bar Association, High Court, Calcutta, **within seven days from date**.

Learned advocate on record for the petitioner shall serve a copy of today's order upon the Secretary of the Bar Association, Calcutta.

However, this order of dismissal shall not preclude the petitioner to obtain the loan to the maximum limit, he shall be found to be entitled to receive strictly in accordance with law and after compliance of all the formalities, C.S.T.C. shall disburse the loan **within four weeks** from the date of communication of this order.

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

(Aniruddha Roy, J.)