

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 28670 OF 2025

Dwijen Kumar Seal

VS.

The Calcutta State Transport Corporation & Ors.

Mr. Prabir Chatterjee, Adv.

...for the Petitioner

Mr. N.C. Bihani, Sr. Adv.

Mr. Soumyajit Ghosh, Adv.

...for the C.S.T.C.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner is a retired employee of Calcutta State Transport Corporation, who has approached this Court with the present writ petition, voicing grievance that though he is entitled to get leave encashment benefit for a maximum period of 300 days, he was paid leave encashment benefit for 180 days at the time of his superannuation.
3. It is also contended on behalf of the petitioner that he is entitled to receive interest on unpaid leave encashment benefits due to delayed payment.
4. Calcutta State Transport Corporation is represented by learned advocate, who submits that as per norms on superannuation, employees of Calcutta State Transport Corporation may be paid leave encashment benefits for a maximum period of 300

days but, *ipso facto* same does not confer right upon the retired employees to claim such benefits for the said maximum period of 300 days. In the present case, benefits towards leave encashment have already been paid to the petitioner for a period of 180 days. Therefore, nothing is left to be paid.

5. Having considered the submissions made on behalf of the parties, it is found that retired employee of Calcutta State Transport Corporation has claimed benefit of leave encashment for a maximum period of 300 days. But in the present case, such benefit is paid for a period of 180 days. Question remains whether the petitioner is entitled to get leave encashment benefits for 120 days more or not.
6. Having considered the issue involved in this writ petition, Court finds no purpose would be sub-served in keeping this writ petition pending.
7. Leave is granted to the petitioner to make a representation within a period of fortnight from date to the Managing Director, Calcutta State Transport Corporation being respondent no.3 claiming leave encashment benefits for 120 days. If such representation is made within the aforesaid time, respondent no.3 shall decide the same within eight

(8) weeks thereafter on granting opportunity of hearing to the petitioner.

8. Petitioner shall be at liberty to produce relevant documents in support of his claim before the respondent no.3.
9. The respondent no.3 shall pass a reasoned order and same shall be communicated to the petitioner by ten (10) days thereafter.
10. During course of hearing it is pointed out by the learned advocate representing the petitioner that there is a typographical mistake in prayer (a) of the writ petition as it is indicated 'medical encashment' in place of 'leave encashment'.
11. Leave is granted to the learned advocate representing the petitioner to make necessary correction in prayer (a) of the writ petition by inserting 'leave' instead of 'medical', in course of this day.
12. Writ petition stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)