

23.
(DL)

15.12.2025
Ct. No. 02
(ARPAN)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 27291 OF 2025

PRANTOSH DEB

VS.

THE STATE OF WEST BENGAL & OTHERS

Mr. Dilip Kumar Chatterjee, Adv.
Mr. Durga Bhusan Mukherjee, Adv.
...for the Petitioner

Mr. Joydip Basu, Adv.
...for the State

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. Petitioner's grievance is that though he is entitled to receive leave encashment benefit for a period of 300 days, denying his right leave encashment benefit for a period of 120 days was not paid.
3. It is also contended on behalf of the petitioner that he is also entitled to receive interest on unpaid leave encashment benefits due to delayed payment.

4. Calcutta State Transport Corporation is represented by Mr. Bihani, learned Senior 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 employee 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. State respondents are represented by learned advocate who reiterates the submission made on behalf of the Calcutta State Transport Corporation.
6. 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.
7. Court finds no purpose would be sub-served in keeping this writ petition pending.

8. Petitioner has made a representation dated 25th July, 2025 to the Managing Director, Calcutta State Transport Corporation being respondent no.6 claiming leave encashment benefit for a period of 120 days more.
9. Respondent no.6 is directed to consider the representation of the petitioner dated 25th July, 2025 within eight (8) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner.
10. Petitioner shall be at liberty to produce relevant documents in support of his claim before the respondent no.6.
11. The respondent no.6 shall pass a reasoned order and same shall be communicated to the petitioner by ten (10) days thereafter.
12. With the above directions, 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.)