

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :- Hon'ble Justice Amrita Sinha

WPA 17978 of 2024

Sukumar Mondal & Ors.

Vs.

The North Bengal State Transport Corporation & Ors.

For the writ petitioners	:-	Mr. Sufi Masih Aftab
For the NBSTC	:-	Mr. Amal Kumar Sen Mr. Sabyasachi Mondal Ms. Debdooti Datta
For the State	:-	Mr. Susovan Sengupta Mr. Sanatan Panja
Heard on	:-	01.04.2026
Judgment on	:-	01.04.2026

Amrita Sinha, J.:-

1. The petitioners are the employees of the West Bengal Transport Corporation Limited. They seek benefit in terms of the Finance Department Memo No. 1033-F(P₂) dated February 8, 2019. The petitioners state that they are already receiving the benefit in terms of the earlier Memo No. 9008-F(P) dated September 16, 2011.
2. Reliance has been placed on the order dated December 21, 2023 passed by a coordinate Bench of this Court in WPO 2261 of 2022 (***Nitish Biswas vs. State of West Bengal & Ors.***) wherein the Court observed that as the parent memorandum being No. F-9008

has been made applicable in respect of the employees, all subsequent modifications to the said memo, whereby the quantum of remuneration in various categories stood revised, would consequentially be applicable to them.

3. The Court was of the considered opinion that the petitioners were entitled to payment in accordance with all subsequent modified memo of the parent memo being No. F-9008.
4. The order passed by the coordinate Bench in Nitish Biswas (supra), though appealed by the State, has been acted upon by the Joint Managing Director of the West Bengal Transport Corporation, and an order in compliance thereof was passed on February 15, 2024. The petitioners seek similar relief.
5. The prayer of the petitioners is opposed by the State and the Transport Corporation.
6. Reliance has been placed on the order dated June 23, 2025 passed by a coordinate Bench of this Court in WPA 11570 of 2024 (***Madhab Barman & Ors. vs. The North Bengal State Transport Corporation & Ors.***) wherein the Court was of the opinion that the additional monetary benefit/enhancement of salary shall not be extended to the contractual workers of the State Transport undertaking. The same is a policy decision of the State. As the said policy decision has not been challenged before the Court, accordingly, the Court was pleased not to pass any order in favour of the contractual employees of the State Transport undertaking.

7. It has been submitted that the compliance order dated February 15, 2024, as relied upon by the petitioners, was passed under threat of contempt. Appeal preferred by the State against the order passed in Nitish Biswas (supra) is pending consideration. The order passed in the matter of Madhab Barman (supra) has been carried in appeal being MAT 2232 of 2025 (***Madhab Barman & Ors. vs. State of West Bengal & Ors.***) and the same is also pending consideration.
8. Attention of the Court has also been drawn to a further memorandum dated December 16, 2025 being No. 4490-F(P2) issued by the Additional Chief Secretary, Government of West Bengal, Finance Department (Audit Branch) which mentions that Memo No.9008-F(P) dated September 16, 2011 was issued to grant security of tenure, consolidated remuneration, annual enhancement, leave, terminal benefit, etc. to casual/daily-rated/contractual workers who were engaged prior to April 1, 2010 with certain terms and conditions.
9. By subsequent orders of the Finance Department issued vide No. 4011-F(P) dated May 20, 2013, No.1107-(P) dated February 25, 2016, No. 1033-F(P2) dated February 8, 2019 and No. 1091-F(P2) dated March 1, 2024, service conditions and remuneration structures of the said categories of workers were further improved.
10. The memo dated December 16, 2025 mentions that references regarding applicability of the above orders in continuation of Memo No.9008-F were received from various corners. In Clause 2 of the

aforesaid memo it was clarified that the Finance Department allowed contractual engagement having different sets of terms and conditions and remunerations structure. Such contractual personnel will continue to be guided by such conditions as fixed by the Finance Department for them and not by Memo No. 9008-F(P) and the orders issued in continuation of it. If further clarification in this regard is required, the same may be referred to the Finance Department separately.

11. Upon hearing the submissions made on behalf of all the parties and on perusal of the documents placed before this Court, it appears that there are several memoranda of the Finance Department on the issue regarding revision of remuneration of casual, daily-rated, contractual workers who have remain engaged in various Government establishments for a considerable period of time. The Government thought of the security of their tenure, the consolidated remuneration received by them and in the interest of such employees, policy decisions were taken by the Finance Department from time to time.
12. The Court in *Nitish Biswas* (supra) categorically held that the memo No. F-9008 will be applicable in respect of the Transport Corporation employees and in fact, the said memo has already been implemented and given effect to in favour of the employees who were parties to the lis. It is only after the memo being No. 1033-

F(P₂) dated February 8, 2019 was issued, that the enhanced remuneration has not been paid to the petitioners.

13. Memo No. 1033 was passed in continuation of the earlier memo being No. 9008 and noticing the same the Court, in *Nitish Biswas* (supra) held that, all subsequent modifications to the parent memo F-9008 would be applicable to the employees.
14. The Transport Department independently passed a memo on September 20, 2023 being No.4213(6)-WT/19011/2/2019 mentioning that the Finance Department's memo No. 1033-F(P₂) dated February 2, 2019 is only applicable to the contractual/casual/daily-rated workers engaged in various Government establishments who have been brought under the purview of the Finance Department memo No. 9008 and shall not be applicable in case of contractual/casual/daily-rated workers in different State Transport Undertakings engaged directly by the undertaking concerned or on hiring basis through agency.
15. Memo No.4213 mentions about the memo no.1033-F(P₂) dated February 2, 2019. No such memo has been placed before this Court. The memo that is annexed and has brought before this Court is 1033-F(P₂) dated February 8, 2019.
16. Whether the Transport Department could have taken a different independent stand and restricted applicability of the memo no.1033-F(P₂) dated February 8, 2019 published by the Finance Department is debatable.

17. The order passed in the matter of *Nitish Biswas* (supra) and *Madhab Barman* (supra) both are pending consideration before the Hon'ble Division Bench in appeal. The same leads to uncertainty with regard to the applicability of the memoranda to the employees of the State Transport Undertakings.
18. The applicability of the memoranda of the Finance Department will be a policy decision of the State. The Finance Department vide Memo No.4490-F(P2) dated December 16, 2025 issued a clarification after taking into consideration the references from various corners regarding applicability of the subject memoranda and has called for reference to the Finance Department for any further clarification.
19. Accordingly, the Court is of the opinion that the matter should be referred to the Finance Department to take a positive decision in the matter as to whether the memoranda mentioned hereinabove would be applicable in respect of the casual/daily-rated/contractual workers of the State Transport Undertakings.
20. Therefore, it is ordered that the Principal Secretary, Finance Department is directed to take a considered decision whether the memoranda mentioned hereinabove will be applicable to the employees of the State Transport Undertakings. The memos that will be applicable to them will be clearly specified.
21. The Finance Department shall keep in mind that the parent Finance Department Memo No. 9008 and the orders subsequent

thereto prior to issuance of the memo no. 1033-F(P₂) were made applicable in respect of the employees of the State Transport Undertakings and they are getting benefit of the same.

22. A decision shall be taken by the Principal Secretary, Department of Finance, the respondent no.5 herein after consideration of all the aforesaid memoranda and after perusal of the orders passed by the Court in the matter of *Nitish Biswas* (supra) and *Madhab Barman* (supra) at the earliest but positively within a period of four months from the date of communication of this order.
23. The reasoned decision shall be communicated to the parties.
24. If the petitioners are found entitled to any financial benefit in terms of any of the memoranda, then the same shall be disbursed in their favour by the Transport Corporation.
25. Prayer of the petitioners to grant them an opportunity of hearing is refused as the matter relates to a policy to be adopted by the State functionaries.
26. The writ petition is disposed of.
27. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
28. Urgent certified photocopy of this judgment, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)