

01-04-2026
Item No.7
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

WPA No.25803 of 2014

Dhruba Kar Chowdhury

-vs-

The North Bengal State Transport Corporation & Ors.

Mr. Tarapada Das
Mr. Mahadeb Khan ...for the petitioner

Mr. Amal Kumar Sen
Mr. Sabyasachi Mondal
Mr. Debdooti Dutta ...for NBSTC

1. The petitioner is a retired employee of the North Bengal State Transport Corporation (NBSTC). He retired from service on attaining of his normal age of superannuation on May 31, 2012.
2. Challenging the order of transfer which was issued to him without a proper release order, he approached the Court by filing a writ petition being WP No.15690(W) of 2004. The same stood dismissed for default on January 20, 2016 due to non-appearance of the learned counsel for the petitioner.
3. The petitioner further filed a writ petition being WP No.3113(W) of 2006 seeking for an order to restrain the authority from striking off his name from the attendance register. The said writ petition stood disposed of on May 16, 2012 by directing the Managing Director of NBSTC or his authorized officer to make an inquiry for ascertaining whether during the period from March 9, 2004 to February 22, 2006 the

petitioner absented himself from office, or was prevented from attending office or working, and decide whether from February 23, 2006 the petitioner had been paid less than his entitlement.

4. In compliance of the said direction passed by the Court, the authority conducted an inquiry and passed the reasoned order dated May 31, 2012 which is impugned in the instant writ petition.
5. The impugned order of the disciplinary authority clearly records that the petitioner deliberately absented himself to avoid the order of transfer. For doing so, he committed serious misconducts namely, denial to accept the release order, remaining absent unauthorizedly, recording attendance unauthorizedly ignoring the interest of NBSTC.
6. The impugned order further records that, in the interest of the Corporation, transfer order was passed in his favour on February 17, 2004. The petitioner never received the release order issued by the authority and continued to adopt different tactics. He was held guilty for the charge brought against him.
7. The disciplinary authority was of the opinion that the petitioner deserves severest punishment leading to the extent of termination from service. However, considering the fact that his date of superannuation was on May 31, 2012, a sympathetic stand was taken.
8. The disciplinary proceeding stood disposed of by imposing punishment of reverting to the Master roll status from the date of the order and the entire period of absence was treated as extraordinary leave without pay.

9. After the order was passed by the disciplinary authority, the petitioner has been disbursed his provident fund dues to the tune of Rs.7,14,846/- in June 2013.
10. Learned counsel for the petitioner asserts that the petitioner was not absent unauthorizedly. According to learned counsel, the petitioner was not in a position to join the transferred place of posting due to non-issuance of the release order. The petitioner regularly marked his attendance in a separate attendance register maintained in the Ultadanga depot of the authority.
11. The aforesaid contention of the petitioner is denied by NBSTC. Usually in an office only one attendance register is maintained for marking attendance of the employees. Keeping separate attendance register only for the employees who refused to join the transferred place of posting does not appear to a very fair practice.
12. The authority has categorically denied that there is any separate attendance register for such type of employees who do not join the transferred place of posting and insist to stay at the place from where they have been transferred.
13. The allegations made by the petitioner being disputed by the authority, the same cannot be adjudicated by the writ Court.
14. Since the petitioner has retired nearly fourteen years back and he intends to be relieved of the litigation which he is currently pursuing, accordingly, the instant writ petition stands disposed of by directing the employer to pay the petitioner his dues, if any payable, in terms of the order passed by the disciplinary authority and the

Managing Director on May 31, 2012.

15. If the petitioner is required to comply with any formality, the same shall be made known to him. The authority shall, however, intimate the petitioner his dues, if any, that will be receivable by him.
16. Steps shall be taken at the earliest but positively within a period of twelve weeks from the date of communication of this order.
17. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
18. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]