

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 28851 OF 2025

Shambhu Nath Banerjee

VS.

The State of West Bengal & Ors.

Mr. Manas Kumar Ghosh,
Mrs. Susmita Dey (Basu),
Mr. Kasutav Ghosh

...for the Petitioner

Md. Mansoor Alam,
Ms. Molly Saha

...for the State

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

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

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner was an employee of Calcutta State Transport Corporation (for short, 'Corporation') who retired on superannuation on 28th February, 2019. Petitioner has prayed for consolidation of leave encashment benefits based on calculation of 300 days, not 180 days, in terms of Clause IX of memo dated 17th September, 2009 issued by the Joint Secretary to the Government of West Bengal, Transport Department.
3. Corporation and State respondents are represented by learned advocates.
4. It is submitted on behalf of the Corporation that if approach is made on behalf of the petitioner to the Corporation seeking consolidation of leave salary on calculation of 300 days not 180 days in that event

same may be considered by the concerned authority of Corporation.

5. Having considered the respective submissions made on behalf of the parties, Court finds no purpose would be sub-served in keeping this writ petition pending.
6. Leave is granted to the petitioner to make a representation to Managing Director of the Corporation being respondent no.5 seeking payment of leave salary for 300 days not 180 days by fortnight from date.
7. If such representation is made within the aforesaid time, respondent no.5 shall decide the same in accordance with law by twelve weeks thereafter and decision to be communicated to the petitioner by ten days thereafter. Respondent no.5 shall pass a reasoned order.
8. In the event decision is taken to enhance leave encashment benefits, consequential steps shall be taken by the concerned respondent authorities for releasing same to the petitioner.
9. Writ petition stands disposed of.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)