

Item No.6
11.02.2026
Court. No. 6
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

WPA 48 of 2026

Tarani Kanta Barman
VS
The State of West Bengal & Ors.

*Ms. Suman Sehanabis,
Mr. Salok Sah*

...for the Petitioner.

*Mr. Bikramaditya Ghosh,
Mr. Mayank Bhandari,
Mr. Vivek Saha,
Mr. Ved Rai*

...for the NBSTC.

*Mr. Subir Kumar Saha,
Ms. Bedashruti Bose,
Mr. Pradip Sarkar*

...for the State.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner alleges inaction on the part of the Secretary, Government of West Bengal, Transport Department, Paribahan Bhawan in answering the query raised by the Managing Director, NBSTC, Cooch Behar, by a communication dated July 24, 2024. The instructions sought for by the said Managing Director are quoted below:-

“Under the above circumstances instruction solicited:

- i) *Whether Sri Barman will be considered as GPF holder under Pension Scheme of NBSTC.*
- ii) *If so, whether Sri Barman may be considered as GPF holder from 22nd February 2012 as per office order no.327 dated 4th July 2023 under memo no.1851/14/NBSTC/III-9(II)/17(23) dated 04.07.2023.”*

3. Learned advocate for the NBSTC submits that such clarification is required as the Managing Director himself does not have the authority to take a decision, unless advised and approved by the Secretary of the Transport Department. The petitioner was appointed in NBSTC temporarily to the post of Inspector on September 30, 1991. After 68 months of service he was reverted to the casual status due to incomplete police verification report. The provision of the pension scheme was implemented in NBSTC in the year 2001 with retrospective effect from April 1, 1984. Requisite options were invited from the regular employee to come under the purview of the scheme and the petitioner had also submitted his option. By a direction of the High Court, the petitioner was brought into the regular establishment upon his acquittal from a criminal case with effect from February 22, 2012.

4. According to the Managing Director, the petitioner would be governed by the pension scheme as he was a new entrant on and from February 22, 2012. As a new entrant, the petitioner also does not have an option to remain under the CPF regulations. Under such circumstances, queries were raised by the Managing Director, NBSTC, Cooch Behar.
5. I, prima facie, find that the reasons given by the Managing Director, NBSTC to be cogent and in consonance with Regulation 2(4) of the NBSTC Employees' Pension Regulations, 1990.
6. Under such circumstances, the writ petition is disposed of with a direction upon the Secretary, Department of Transport to answer the said queries raised by the Managing Director, NBSTC within a period of three weeks from the date of communication of this order. Such communication shall reach the Managing Director, NBSTC positively within the aforementioned period and the Managing Director, NBSTC, Cooch Behar shall act and proceed in accordance with law on receipt of such communication. In the event the Secretary, Transport Department is not in agreement with the Managing Director, NBSTC, in that case the petitioner will be called for a hearing and the NBSTC will also be represented by a senior official nominated by the Managing Director at the stage

of hearing. A reasoned order shall be passed and communicated to all concerned within a period of three weeks.

7. Accordingly, the writ petition is disposed of.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)