

05.12.2025
Item Nos.1 & 2
Ct. No.1
PG

C.P.A.N. 622 of 2023
Sanjay Kundu & Ors.
Vs.
Mr. Partha Pratim Roy, Chairman, North
Bengal State Transport Corporation & Ors.
In
F.M.A. 2147 of 2018
North Bengal State Transport
Corporation & ors.
Vs.
Sanjoy Kundu & ors.
With
F.M.A. 2148 of 2018
North Bengal State Transport
Corporation & ors.
Vs.
7th Industrial Tribunal & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Ms. Santi Das for the writ petitioners.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas.....for the State

Mr. Srijan Nayak
Ms. Rituparna Nayak.....for the alleged contemnors

1. Heard Shri Bikash Ranjan Bhattacharya, learned senior counsel for the writ petitioners, Shri Pantu Deb Roy, learned counsel for the State and Mr. Srijan Nayak, learned counsel for the Corporation.
2. Learned senior counsel for the writ petitioners by taking this Court to the previous orders dated 13.02.2025 and 20.02.2025 submits that this Court had confirmed the award of the Industrial Tribunal. The order of Industrial Tribunal and this Court was unsuccessfully challenged before the Supreme Court.

3. This Court in the aforesaid orders made it clear that all the petitioners should be permitted to join and they shall be treated as regular employees. In partial obedience of that, 14 persons have been permitted to join and 04 were not permitted to join on the ground that they are over-aged.
4. By placing reliance on paragraph 4 of the previous order dated 13.02.2025, Shri Bhattacharya, learned senior counsel urged that this Court made it clear that the employees less than 62/65 years of age are entitled to join. The 04 persons, who have not been given joining are less than 62 years of age. Thus, the respondents are aggravating the contempt. Apart from this, the financial benefits arising out of their absorption in the Corporation has not been passed on to any of them.
5. Faced with this, learned counsel for Corporation submits that 14 employees have been permitted to join. For rest of 04 persons, he will seek instructions and if they are below 62 years of age, they shall be permitted to join forthwith.
6. So far financial benefits arising out of award of Industrial Tribunal is concerned, the stand of learned counsel for Corporation is that the financial benefits shall be paid after the same is

approved by Finance Department of the State Government.

7. Learned counsel for the State submits that the financial benefits are being calculated and relevant payments etc. as per the order of tribunal shall be paid within 30 days from today.
8. In view of the aforesaid stand of the parties, we deem it proper to direct as under:
 - (i) The Corporation shall permit the remaining 04 persons to join forthwith, if they are less than 62 years of age.
 - (ii) The Finance Department shall work out the modalities and make necessary payments within 30 days from today and file a compliance report on or before 5th January, 2026.
9. List this matter on 12th January, 2026.
10. If compliance report is not filed and this order is not complied, this Court may direct personal presence of the Finance Secretary, Government of West Bengal or any senior officer through V.C.

(SUJOY PAUL, ACJ)

(BIVAS PATTANAYAK, J.)