

March 20, 2026  
Sl. No.1  
Court No.1  
s.biswas

CPAN 622 of 2023  
*Sanjay Kundu and others*  
*vs.*  
*Partha Pratim Roy, Chairman North Bengal*  
*State Transport Corporation and others*  
In

FMA 2147 of 2018  
*North Bengal State Transport*  
*Corporation and others*  
*vs.*  
*Sanjoy Kundu and others*  
In  
FMA 2148 of 2018  
*North Bengal State Transport*  
*Corporation and others*  
*vs.*  
*7<sup>th</sup> Industrial Tribunal and others*

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.  
Ms. Santi Das  
... for the petitioner

Mr. Pantu Deb Roy  
Mr. Subrata Guha Biswas  
Mr. Jayanta Samanta  
Ms. Indumuli Banerjee

... for the State

Mr. Srijan Nayak  
Ms. Rituparna Maitra  
... for the NBSTC/alleged contemnor

Dictated by Sujoy Paul, C.J.

1. Parties are represented through their  
respective learned counsel.

2. Learned counsel for the petitioner by taking this court to the order dated 05.12.2025 (para 8) submits that this court in clear terms directed the Corporation to permit remaining 4 persons to join forthwith, if they are less than 62 years of age. The said 4 persons were less than 62 years of age. But they have not been permitted to be reinstated.

3. Learned counsel for the North Bengal State Transport Corporation (NBSTC) placed reliance on the affidavit dated 9<sup>th</sup> March, 2026 as filed by one Mrityunjoy Bhattacharyya, Officer-in-Charge of NBSTC, wherein it is averred as under:

*“Rest 4 (four) petitioners had surpassed the age of 60 years by this time for which legal guidance was sought from the Transport Department. And on receipt of the above stated observation of the Finance Department these 4 (four) petitioners have already given notional appointment w.e.f. 31.05.2014 and the service is counted till they attended the age of 60 years.”*

4. Prima facie, the stand taken by the alleged contemnor runs contrary to the clear direction issued by this court in para 8 of the order dated 05.12.2025. This court

made it clear that age of retirement is 62 years and not 60 years. The clear direction to reinstate them if they are below 62 years is clearly breached.

5. In addition it is noteworthy that in order dated 05.12.2025, the stand of the Corporation was reduced in writing in para 5, wherein learned counsel for the Corporation submitted that 14 employees have been permitted to join. For rest of 4 persons, he will seek instruction and if they are below 62 years of age, they shall be permitted to join forthwith. Thus, the stand now taken by the Corporation runs contrary to their own undertaking as well as the order dated 05.12.2025.
6. Learned counsel for the Corporation faced with this, clearly undertakes that before next date of hearing the said 4 persons shall be reinstated.
7. List this matter on 27.03.2026.
8. Learned counsel for the Corporation shall file compliance report indicating that said 4 persons have been reinstated. Failing

which, this court may take coercive action  
in accordance with law.

**(Sujoy Paul, C.J.)**

**(Bivas Pattanayak, J.)**