

WPA 12429 of 2023

Subrata Banik
Vs.
Calcutta State Transport Corporation & Ors.

Mrs. Susmita Dey (Basu)

....for the petitioner

Mr. Amal Kumar Sen

Mr. Sabyasachi Mondal

...for the CSTC

The grievance of the petitioner is that despite being eligible to be regularised pursuant to a scheme of 2009, he was unfairly discriminated against the other 276 employees, who were regularised pursuant to a scheme floated by the Calcutta State Transport Corporation (CSTC). The petitioner prayed for such regularisation.

Being aggrieved by the decision of the Managing Director, CSTC not to regularise the petitioner an earlier writ petition being WP 3762(W) of 2016 was filed. The said writ petition was disposed of by an Hon'ble Coordinate Bench of this Court by an order dated July 29, 2016. Such order was carried in appeal.

The Hon'ble Division Bench by an order dated August 16, 2017 upheld the order of the Coordinate Bench. Pursuant to the order passed by the Hon'ble Division Bench, the petitioner was regularised with effect from July 12, 2021.

It is submitted by Mr. Sen, learned Additional Government Pleader that the petitioner will be entitled to the service benefits from the date of regularisation and not from 2003, as claimed by the petitioner.

Ms. Dey (Basu), learned counsel appearing on behalf of the petitioner submits that it is due to arbitrary inaction on the part of the respondent-corporation that the petitioner was not regularised in 2009, but similarly placed employees were regularised. Therefore, she submits that the petitioner has been unfairly discriminated against.

Considering the rival submissions of the parties and the materials placed on records, this Court finds that justice will be sub-served by directing the respondent No. 3/ the Managing Director, CSTC or any other authority delegated by him to file a Report on Affidavit on the issue why the petitioner was not regularised in 2009. The said report will clearly state the reasons for discrimination of the petitioner as against 276 employees and the basis on which 276 employees were preferred over the petitioner will have to be explained. The respondent No.3 shall also explain why despite the order dated August 16, 2017, the petitioner was not regularised with immediate effect, within a period of six weeks as directed by the Hon'ble Division Bench. The reason for delay in

regularising the petitioner with effect from July 12, 2021 will also need to be explained in the said report.

Let such report be filed by July 20, 2023. Exception, if any by July 27, 2023.

Let the matter appears for further consideration under the heading **Motion** on **August, 2023**.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

(Lapita Banerji, J)