



2025:CHC-AS:1239

07.7.2025
ML.41

Court No.2
Sg

WPA 29165 of 2024

**Nagendra Sharma
Vs.**

Calcutta State Transport Corporation & Ors.

Mr. Manas Kr. Ghosh
Ms. Susmita Dey (Basu)

....for the petitioner.

Mr. Amal Kumar Sen
Mr. Sabyasachi Mondal

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

Affidavit of service is already on record.

Ms. Susmita Dey (Basu), learned advocate
appears for the petitioner.

Mr. Amal Kumar Sen, learned advocate
appears for the CSTC with Mr. Sabyasachi Mondal,
learned advocate.

In course of employment while driving the
public vehicle, the petitioner met with an accident
and he was arrested. Subsequently, petitioner was
enlarged on bail. The driving license of the
petitioner was seized.

Learned advocate for the petitioner submits
that the petitioner has resumed to his employment
some time in June, 2025 but not as a driver but
working for other post.

Mr. Amal Kumar Sen, learned advocate
appearing for CSTC submits when the petitioner met



with an accident, as driver of the vehicle, license of the petitioner was seized and he has no instruction whether the license has been released or not as the license has not yet been produced before the CSTC by the petitioner. Petitioner has not been working as a driver and has been accommodated by the CSTC at other post.

On perusal of the prayers from the writ petition, it appears to the Court, **prayer (a)** to the writ petition has got two limbs. First one prayer for seeking resumption of his duty. Second one for release of arrears salary. Learned advocate for the petitioner submits that the petitioner has already resumed to his duty. Therefore, the claim of the petitioner in this writ petition today is restricted for release of his **alleged arrear salary only**.

In view of the above, the petitioner shall serve copy of the writ petition along with the copy of today's order upon the respondent no. 3 forthwith. The instruction produced by Mr. Sen before this Court is taken on record.

The respondent no.3 upon issuing prior notice of hearing at least seven days to the petitioner and upon verification of all records and after granting him of opportunity of hearing shall dispose of the claim of the petitioner with regard to the **alleged arrear salary**, if any, by passing a reasoned order in accordance with law.



The entire exercise shall be carried out by the respondent no.3 positively within a period of six weeks from the date of communication of this order and the reasoned order shall be communicated to the petitioner positively within a period of one week from the date of the said reasoned order to be passed.

If the reasoned order goes in favour of the petitioner then the appropriate authority shall give an immediate effect thereto in accordance with law but positively within a period of four weeks from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the rival contentions of the parties and the parties shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents wish to rely upon before the respondent no.3.

Considering the peculiar facts involved in this writ petition. This Court is of the firm and considered view that petitioner shall not be entitled to any interest whatsoever, if ultimately is found to be eligible to receive the alleged arrear, the principal amount only shall be paid.

Mr. Sen has denied the claim of the petitioner on account of alleged arrear salary.

It is made clear that this order shall not create any right or equity in favour of the petitioner



if the petitioner does not succeed to his claim before the respondent no.3 strictly in accordance with law.

With the above observation and direction this writ petition being **WPA 29165 of 2024** stands disposed of without any order as to costs.

(Aniruddha Roy, J.)