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NANDY

(CO-DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/25913/2026

KORBAN ALI MISTRY
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Susmita Dey (Basu), Advocate
Mr. Kaustav Ghosh, Advocate
……for the Petitioner

Mr. Soumyajit Ghosh, Advocate
……for the CSTC

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner is a retired employee of the Calcutta State Transport Corporation (CSTC). His allegation is that leave encashment which is available for a maximum period of 300 days has not been paid to him fully, except only for a period of 180 days. The payment of the balance leave salary up to 120 days is due and payable.
3. Learned Counsel for the petitioner refers to the Government Order dated September 17, 2009 which clearly specifies payment of leave encashment up to 300 days to be borne by the organization.
4. The petitioner also relies upon various orders passed by this Court in similar matters where directions have been passed for taking a decision for payment of leave encashment for the full period.
5. Learned Counsel for CSTC admits the Government Order which has been relied upon by the petitioner.
6. In view thereof, I direct the Managing Director of

CSTC to consider the instant writ-petition as the representation for grant of the complete leave encashment in the light of the Government Order dated September 17, 2009 and take a decision at the earliest but positively within a period of eight weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the petitioner.

7. In the event the petitioner's prayer is accepted then necessary steps for releasing the due amount in favour of the petitioner shall be taken without any further delay.

8. With the afore-stated direction, the writ-petition is disposed of. No order as to costs.

9. Urgent Photostat Certified Copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.)