

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 1085 of 2017

Dhruba Modak & Ors. vs The State of West Bengal & Ors.

| Serial No. and Date of order. 1 | Order of the Tribunal with signature 2 | Office action with date and dated signature of parties when necessary 3 |
|------------------------------------|---|--|
| 01 25.09.2018 | <p>For the Applicants : Mr. S. Datta, Learned Advocate. For the Respondents : Mr. S. Bhattacharjee, Depttl. Representative</p> <p>Six applicants have prayed for direction upon the respondents for giving financial benefit to the applicants in terms of Memorandum dated April 23, 2010 and Memorandum dated May 20, 2013 and Memorandum dated February 25, 2016 issued by the Finance Department, Audit Branch, Government of West Bengal.</p> <p>It appears from the materials on record that the applicants were engaged as Sweeper-cum-Water Carrier in the establishment of the respondent no. 5 on different dates from the year 1990 to the year 1997. The contention of the applicants is that they have been discharging duty as full time Group-D employee in the establishment of the respondent no. 5, but no document in this regard is forthcoming before the Tribunal. The Departmental Representative of the state respondents has produced copy of disbursement of remuneration to the applicants, which indicates that the applicants are receiving remuneration @ Rs.3,000/- per month. Let the said document be kept on record.</p> <p>On consideration of the order dated March 31, 2017 (Annexure-A to the original application) and the document indicating disbursement of monthly remuneration to the</p> | |

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applicants, we are of the view that the applicants are part-time casual workers who are discharging the duty of Sweeper-cum-Water Carrier in the establishment of respondent no. 5. In our view, the applicants are entitled to get remuneration @ Rs.3,000/- per month in terms of Memorandum dated November 27, 2017 issued by the Finance (Audit) Department, Government of West Bengal. Since the applicants are not full time casual employees engaged for any scheme or project under any department of Government of West Bengal and since the engagement of the applicants as casual employees is not approved by the Departmental Secretary, the applicants are not entitled to get financial benefit in terms of Memorandum dated April 23, 2010, Memorandum dated September 16, 2011, Memorandum dated May 20, 2013 and Memorandum dated February 25, 2016 issued by the Finance Department, Audit Branch, Government of West Bengal.

Since the applicants have already been receiving monthly remuneration @ Rs.3,000/- per month as part-time Sweeper-cum-Water Carrier in the establishment of the respondent no. 5, the applicants are not entitled to get any relief in the present application. So, the original application is **dismissed**.

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)