

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

Case No –

Vs

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
<p style="text-align: center;"><b>05</b> <hr/><b>04.07.2018</b></p>	<p><b><u>OA-145 of 2018</u> : Partha Pratim Banerjee &amp; Ors. Vs The State of West Bengal &amp; Ors.</b></p> <p><b>For the Applicant :</b> Mr. S. Sanyal, Mr. M. Bhowmik, Mrs. S. Agarwal, Learned Advocates.</p> <p><b>For the Respondents :</b> Mr. S. Ghosh, Learned Advocate.</p> <p><b><u>OA-146 of 2018</u> : Sagar Debnath &amp; Ors. Vs The State of West Bengal &amp; Ors.</b></p> <p><b>For the Applicant :</b> Mr. S. Sanyal, Mr. M. Bhowmik, Mrs. S. Agarwal, Learned Advocates.</p> <p><b>For the Respondents :</b> Mr. M.N. Roy, Learned Advocate.</p> <p><b><u>OA-147 of 2018</u> : Ashok Kumar Ghoshal &amp; Ors. Vs The State of West Bengal &amp; Ors.</b></p> <p><b>For the Applicant :</b> Mr. S. Sanyal, Mr. M. Bhowmik, Mrs. S. Agarwal, Learned Advocates.</p> <p><b>For the Respondents :</b> Mr. M.N. Roy, Learned Advocate.</p> <p><b><u>OA-148 of 2018</u> : Bijoy Kumar Roy &amp; Ors. Vs The State of West Bengal &amp; Ors.</b></p> <p><b>For the Applicant :</b> Mr. S. Sanyal, Mr. M. Bhowmik, Mrs. S. Agarwal, Learned Advocates.</p> <p><b>For the Respondents :</b> Mr. S.N. Ray, Learned Advocate.</p>	

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	<p><b><u>OA-149 of 2018</u> : Prafulla Roy &amp; Ors. Vs The State of West Bengal &amp; Ors.</b></p> <p><b>For the Applicant :</b> Mr. S. Sanyal, Mr. M. Bhowmik, Mrs. S. Agarwal, Learned Advocates.</p> <p><b>For the Respondents :</b> Mr. S.N. Ray, Learned Advocate.</p>	
	<p><b><u>OA-150 of 2018</u> : Sudhir Chandra Barman &amp; Ors. Vs The State of West Bengal &amp; Ors.</b></p> <p><b>For the Applicant :</b> Mr. S. Sanyal, Mr. M. Bhowmik, Mrs. S. Agarwal, Learned Advocates.</p> <p><b>For the Respondents :</b> Mr. M.N. Roy, Learned Advocate.</p>	
	<p><b><u>OA-151 of 2018</u> : Pran Kumar Narjinary &amp; Ors. Vs The State of West Bengal &amp; Ors.</b></p> <p><b>For the Applicant :</b> Mr. S. Sanyal, Mr. M. Bhowmik, Mrs. S. Agarwal, Learned Advocates.</p> <p><b>For the Respondents :</b> Mr. M.N. Roy, Learned Advocate.</p>	
	<p><b><u>OA-152 of 2018</u> : Surja Kanta Mandal &amp; Ors. Vs The State of West Bengal &amp; Ors.</b></p> <p><b>For the Applicant :</b> Mr. S. Sanyal, Mr. M. Bhowmik, Mrs. S. Agarwal, Learned Advocates.</p> <p><b>For the Respondents :</b> Mr. S. Ghosh, Learned Advocate.</p>	

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**OA-153 of 2018 : Mrinal Kanti Goswami & Ors.  
Vs  
The State of West Bengal & Ors.**

**For the Applicant : Mr. S. Sanyal,  
Mr. M. Bhowmik,  
Mrs. S. Agarwal,  
Learned Advocates.**

**For the Respondents : Mr. M.N. Roy,  
Mr. S. Ghosh,  
Learned Advocates.**

**OA-176 of 2018 : Md. Hafizur Rahaman & Ors.  
Vs  
The State of West Bengal & Ors.**

**For the Applicant : Mr. S. Sanyal,  
Mr. M. Bhowmik,  
Mrs. S. Agarwal,  
Learned Advocates.**

**For the Respondents : Mr. S.N. Ray,  
Learned Advocate.**

The applicants claim to have been engaged as Security Personnel in various establishments under Directorate of Textiles (Sericulture), Government of West Bengal with effect from different dates during the period from 2010 to 2015. The grievance of the applicants is that they have not been paid salary as recommended by Director General, Resettlement, New Delhi as reflected from the letter dated September 13, 2017 addressed to the Deputy Secretary to the Government of West Bengal, Department of Home &

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Hill Affairs by the Secretary, Rajya Sainik Board, West Bengal. The further grievance of the applicants is that the respondent no. 2, Commissioner of Textiles and Sericulture, West Bengal has issued one letter dated December 26, 2017 for discontinuation of engagement of Security Personnel at prevailing wage rate w.e.f. March 31, 2018 and thereby the applicants apprehend that their engagement as Security Personnel may be discontinued w.e.f. March 31, 2018. The applicants have prayed for an interim order restraining the respondents from giving effect to the said impugned letter dated December 26, 2017 till the final disposal of the original applications.

Mr. Sanyal, Learned Counsel appearing for the applicants, contends that the applicants have been receiving salary continuously from the date of engagement, though the salary has not been disbursed in favour of the applicants after March 31, 2018. By referring to the impugned letter dated December 26, 2017 he submits that there is perennial need of engagement of Security Personnel from Zilla Sainik Board in different establishments of Directorate of Textiles (Sericulture) and as such, the engagement of the applicants cannot be discontinued. On the other hand, Mr. M.N. Roy, Learned Counsel appearing on behalf of the state respondents in some of the applications and Mr. S.N. Ray, Learned Counsel appearing on behalf of the state respondents in other

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applications jointly submit that Government of West Bengal has taken a decision for discontinuation of engagement of Security Personnel in different establishments of the State Government and as such, the question of continuation of engagement of the applicants as Security Personnel in different establishments under Directorate of Textiles (Sericulture) does not arise.

Having heard Learned Counsel representing both parties and on consideration of the fact that the applicants have received salary till March 31, 2018 though the engagement of the applicants was not extended by issuance of specific orders from the date of engagement till March 31, 2018, we are of the view that the engagement of the applicants as Security Personnel should not be discontinued by engaging Security Personnel on the same terms and conditions as the applicants were engaged from any source, if the Government decides that there is need of engagement of Security Personnel in different establishments under Directorate of Textiles (Sericulture), Government of West Bengal.

In view of our above findings, the respondents are restrained by an interim order from engaging Security Personnel in different establishments of Directorate of Textiles (Sericulture), Government of West Bengal on the same terms and conditions as the applicants were

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engaged from any source after discontinuance of the engagement of the applicants as Security Personnel till the final decision of the original applications.

The issues involved in the original applications cannot be decided without exchange of reply and rejoinder. Accordingly, the respondents are directed to file reply within a period of 4 (four) weeks and rejoinder, if any, may be filed by the applicants within a period of 2 (two) weeks thereafter.

Liberty is given to the applicants to file Supplementary Affidavit enclosing relevant documents after service of copy of the same on the other side.

List all the matters under the heading **“Hearing”** on **15.11.2018**.

Let a plain copy of this order be supplied to both parties.

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)

Himangsu/Sanjib