

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 552 of 2016

Gour Bansfor 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
10 24.09.2018	<p>For the Applicant : Mr. A. Banerjee, Learned Advocate. For the Respondents : Mr. S. K. Mondal, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to pay remuneration to the applicant in terms of G.O. dated February 25, 2016.</p> <p>The contention of the applicant is that he was engaged as daily rated contractual Sweeper in the establishment of respondent no. 2. It appears from order dated October 8, 2012 issued by the respondent no. 2 that the applicant used to get remuneration @ Rs.700/- per month which was enhanced to Rs.2,000/- per month in terms of G.O. dated May 20, 2009 issued by the Finance Department, Government of West Bengal w.e.f. June 1, 2009. Learned Counsel for the applicant contends that the applicant is entitled to get remuneration @ Rs.7,000/- per month in terms of G.O. dated May 20, 2013 and remuneration Rs.10,000/- per month in terms of G.O. dated February 25, 2016 issued by the Finance Department, Government of West Bengal.</p> <p>Learned Counsel representing the state respondents contends that the applicant is a part-time casual Sweeper and as such he is not entitled to get benefit of G.O. dated May 20, 2013 and G.O. dated February 25, 2016 issued by the Finance Department, Government of West Bengal.</p>	

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Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant has been receiving remuneration @ Rs.2,000/- per month w.e.f June 1, 2009 on the basis of order dated October 8 2012 issued by the respondent no. 2. The very fact of receiving remuneration @ Rs.2,000/- per month in terms of G.O. dated May 20, 2013 goes to establish that the applicant is a part-time casual Sweeper. The said remuneration can be increased upto Rs.3,000/- per month in terms of G.O. dated November 27, 2017 issued by the Finance (Audit) Department, Government of West Bengal. In order to get financial benefit in terms of Memorandum dated May 20, 2013 and Memorandum dated February 25, 2016 issued by the Finance Department, Audit Branch, Government of West Bengal, the applicant must establish by placing relevant documents that the applicant is entitled to get monthly remuneration as full time casual employee in terms of Memorandum dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal. The pre-condition for being governed by Memorandum dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal is that the engagement of the applicant as casual employee in the establishment of the respondent no. 2 must be approved by the Departmental Secretary. There is nothing on record to indicate that the applicant has been engaged as casual employee with prior approval of the Departmental Secretary and as such the

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applicant is not entitled to get remuneration in terms of 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.

In view of our above findings, we are constrained to hold that the applicant can get enhanced remuneration @ Rs.3,000/- per month as daily rated part-time casual Sweeper in terms of Memorandum dated November 27, 2017 issued by the Finance Department, Government of West Bengal w.e.f. January 1, 2018. Accordingly, the respondent no. 2, Director General, West Bengal Fire & Emergency Services is directed to consider the entitlement of the applicant to receive remuneration at enhanced rate of Rs.3,000/- per month in terms of Memorandum No. 7284-F(P2)-FA/O/2M-1 dated November 27, 2017 issued by the Finance Department, Government of West Bengal within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action within a period of 4 (four) weeks thereafter.

With the above direction, the original application stands **disposed of.**

Let urgent xerox certified copy of the order be supplied to the parties, if applied for, on priority basis after observance of all necessary formalities.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib

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