

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)

Case No – O.A. 803 of 2019

JISHNU BISWAS 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
<p>4</p> <hr/> <p>08.01.2020</p>	<p>For the Applicant : Mr. R. Ghosh, Advocate</p> <p>For the State Respondent: Mr. G.P. Banerjee, Mr. S.N. Ray, Advocate</p> <p>Affidavit of service filed be kept on record.</p> <p>In this application, Jishnu Biswas, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:</p> <p>“i. Direction be given upon the respondent authorities, social welfare department, Govt. of West Bengal, Juvenile Court Building, Salt Lake City, Sector – I, Kolkata – 700 064 to produce the file No. 558 / SWD (O) dt. 27.12.05 before this Hon'ble Tribunal.</p> <p>ii. Direction be given to the Director, Social Welfare Department, Govt. of West Bengal, Juvenile Court Building, Salt Lake City, Sector – I, Kolkata – 700 064 to produce the recommendation given by the Hon'ble Minister Sri Biswanath Chowdhury, Social Welfare</p>	

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	<p>Department, Govt. of West Bengal, Writers' Building, Kolkata – 700 001 by its letter memo No. 504 / MIC / JW / dt. 05.08.05 to Director of Social Welfare.</p> <p>iii. Direction be given upon the respondent authorities of Social Welfare Department, Govt. of West Bengal, to produce before this Hon'ble Tribunal the representation dt. 1st August, 2019 and representation 6th September, 2019 given by the applicant.”</p> <p>Mr. R. Ghosh, learned advocate appearing on behalf of the applicant submits that since the applicant was engaged on daily wage basis to work as Night Guard pursuant to the order dated 21st November, 1995 issued by the Officer on Special Duty & Ex-Officio Director of Social Welfare, Government of West Bengal, as evident from page 74 of the application, and as it is evident from page 99 that he worked for 103 days, appropriate order may be passed. Submission is as recommendation was made in 2005 for giving the applicant a job, appropriate order may be passed. The file relating to the applicant, stated to be missing, may be directed to be produced before the Tribunal.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondent, referring to page 74 of</p>	

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SCN.	<p>the application, submits that since it was stipulated that the applicant was engaged on daily wage basis on condition he would have no claim in future for absorption in any regular establishment under the State Government and as he had worked for 103 days in 1994 and in 1995 and as the cause of action, if any, arose in the year 1995, no order may be passed. Referring to page 77 of the application it is submitted that the engagement was not against any sanctioned post.</p> <p>Pursuant to a query Mr. Ghosh could not give reply whether the applicant has a legal right in support of his claim.</p> <p>Heard Mr. Ghosh and Mr. Banerjee. Since we find from the order dated 21st November, 1995 that the engagement was conditional as he was disallowed to claim absorption in future in any regular establishment under the State Government and as he had worked for 103 days in 1994 and 1995 and as the applicant could not establish his legal right, no order can be passed on this application. The application is dismissed.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	