

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 882 OF 2017**

Ajay Kumar Paul 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
05 16.04.2018	<p>For the Applicant : Mr. D.K. Das, Learned Advocate.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for continuation of contractual service of the applicant as Conductor of Bus run by West Bengal Surface Transport Corporation Limited.</p> <p>It appears from the materials on record that the applicant was engaged as Conductor purely on contractual basis initially for a period of 6 (six) months on the terms and conditions enumerated in the order dated November 6, 2009 issued by the Managing Director, West Bengal Surface Transport Corporation Limited. It further appears from the materials on record that the contractual service of the applicant continued upto October 31, 2012. The applicant used to get daily wage @ Rs.150/- per day for performance of duty allotted to him and in the absence of allotment of duty on a particular day, the applicant was given Rs.30/- only for non-performance of duty. The grievance of the applicant is that he was not allowed to continue in contractual service after October 31, 2012.</p> <p>By referring to order dated August 26, 2009 passed by this Tribunal in OA-866 of 2007, Learned Counsel for the applicant submits that this Tribunal gave direction to the state respondents to consider the</p>	

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case of the applicant for appointment under the existing rules applicable in the case, if the state respondents do not engage any agency for performance of duty for which the applicant was previously empanelled. The applicant got contractual appointment after the said order of the Tribunal but the contractual service was discontinued w.e.f. October 31, 2012. In our view, no right is accrued in favour of the applicant for continuation of contractual service. The applicant could not be appointed in the post of Planning Assistant-III due to engagement of private agency as reflected from the letter issued by the Commissioner of Transport Department in favour of Deputy Secretary of Finance Department, Government of West Bengal on November 30, 2015 and as such appointment on the basis of previous order of the Tribunal does not arise.

There is nothing on record to indicate that West Bengal Surface Transport Corporation Limited is brought within the jurisdiction of the Tribunal by issuing any Notification by the State Government under section 15 of the Administrative Tribunals Act, 1985 and as such the dispute between the applicant and the West Bengal Surface Transport Corporation Limited cannot be adjudicated by this Tribunal. In our view, the dispute between the applicant and the West Bengal Surface Transport Corporation Limited is clearly barred under section 15 of the Administrative Tribunals Act, 1985.

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<p>Sanjib</p>	<p>Accordingly, the present application is dismissed with liberty to the applicant to pursue his remedy available under the law.</p> <p>Let a plain copy of this order be supplied to both parties.</p> <p>(S.K. DAS) MEMBER(A)</p> <p>(R. K. BAG) MEMBER (J)</p>	
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