

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 90 OF 2018

Dilip Das 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 06.03.2018	<p>For the Applicant : Mr. C.S. Bag, Learned Advocate.</p> <p>For the Respondent Nos. 1-10 : Mr. G.P. Banerjee, Learned Advocate.</p> <p>For the Respondent Nos. 11&12: Mr. I. Bhattacharjee, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to disburse the salary of the applicant as ambulance Driver from November 4, 2015 till today by filing the original application under section 19 of the Administrative Tribunals Act, 1985.</p> <p>The contention of the applicant is that the applicant was engaged as Driver for the ambulance of the Government, but the salary of the Driver will be paid by the municipality of Islampur. The further contention of the applicant is that the applicant has discharged his duty as Driver of the ambulance but the salary has not been disbursed in spite of submission of representation of the applicant in this regard.</p> <p>Learned Counsel representing the applicant submits that the representation submitted by the applicant for disbursement of salary should be considered by the concerned authority so that the salary can be disbursed in favour of the applicant as ambulance Driver.</p>	

ORDER SHEET

Dilip Das

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 90 OF 2018**

Learned Counsel representing the state respondents submits that the present application is not maintainable in law as the Tribunal has no jurisdiction to entertain this application on the ground that the applicant is not holding a civil post under the State of West Bengal. Learned Counsel representing the respondent municipality has also submitted that the present application is not maintainable on the ground that the applicant is not holding civil post under the State of West Bengal. He further submits that the municipality has already disbursed the salary of the applicant till month of November, 2016 and the salary of the applicant was not disbursed subsequent to the month of November, 2016 due to failure on the part of the applicant to discharge his duty as ambulance Driver.

Having heard Learned Counsel representing the respective parties and on consideration of the order vide memo no. 874 dated November 4, 2015 issued by the Superintendent, Islampur S.D. Hospital (Annexure-A to the original application), we find that the Superintendent of Islampur S.D. Hospital engaged the applicant as ambulance Driver on the basis of telephonic discussion with the Chairman of Islampur Municipality with the arrangement that the remuneration of the applicant will be paid by Islampur Municipality. Since the salary of the applicant is not paid from the State Exchequer and since the amount of

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Vs.

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salary is not disclosed in the said order of the Superintendent of Islampur S.D. Hospital, we are of the view that the applicant is not holding civil post under the State of West Bengal. The natural corollary is that this Tribunal has no jurisdiction to entertain the present application as per provision of Section 15 of the Administrative Tribunals Act, 1985.

Since the Tribunal has no jurisdiction to entertain the present application, the application is dismissed.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib