

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. – OA - 100 of 2021

SABIDUL MIAH & ORS. - Vs - The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. Saurav Bhattacharjee, Learned Advocate
	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Learned Advocate

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19.06.2025

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for a direction to the respondent authorities to regularize the services of the applicants with effect from the date of their initial entry into the service and to extend financial benefits under Notification No. 9008-F (P) dated 16.09.2011.

From the submissions of the learned counsels and the records, it has become clear that the applicants are working as Multipurpose Health Workers (Male). In 1974, the Government introduced a Scheme called, Multipurpose Health Workers to promote health care services. One such appointment letter issued to one of the applicants dated 07.12.2009 reveals that the appointment to the post of Multipurpose Health Worker was on purely temporary and contractual basis. One of the important conditions attached of this appointment letter is that under no circumstances any claim for further extension or regular appointment in future can be entertained.

The Scheme called “Multipurpose Health Workers (Male and Female)” was introduced by the Government of India in partnership with the State Government in the year 2010. These applicants had been appointed as MPHWS (Male). In the initial phase spanning three years, Government of India supported the scheme financially by funding 85%, 75% and 65% of the total expenditure. The last funding of the Government of India was given in the year 2014. The Scheme continues even today but without any funding support from the Government of India. As per the guidelines issued by the Government of India, the State Governments were advised to create requisite number of posts and fill them on contractual basis so that the continuity of these workers are maintained. Though

ORDER SHEET

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the contract had not been renewed in paper, but it appears that the applicants continued to work as MPHWS (Male), still on contractual basis. Presently, they receive the enhanced remuneration of Rs.15,500/- per month.

Submission of Mr. Maiti, learned counsel appearing on behalf of the applicants is that despite a clear advice from Government of India and despite having worked in the same capacity for more than ten years, neither suitable posts have been created nor the applicants have been absorbed into any regular establishments. Thus, the prayer before this Tribunal is to pass a direction to the respondent authorities to absorb these applicants on permanent basis.

Appearing on behalf of the State respondents, Mr. Banerjee, learned counsel had submitted that the circular relied by Mr. Maiti is only a guideline advising the State Government to create suitable posts. Such recommendation is not binding upon the State authorities. He had drawn attention of the Tribunal to one of the appointment letters which had clearly stated that claims in the future for absorption into permanent establishment cannot be made. Therefore, the question of absorption into regular establishment does not arise. Mr. Banerjee also points out that the applicants, in one hand, are praying for permanent absorption, and on the other hand, had asked for enhanced remuneration.

Having heard the learned counsels and after examination of the records, the Tribunal finds the appointment letters had been issued by the office of the Block Health and Family Welfare Samiti, therefore, such appointments made by the Samiti are not for civil posts of the government. Since the matter is not against any civil posts of the government, the Tribunal does not have any jurisdiction to hear this matter. The Tribunal is also aware that it is a well settled law that claims for absorption into permanent establishment cannot be made once the conditions of an employment has been accepted. Therefore, the claim of the applicants for absorption in permanent post cannot be accepted as they do not have any legal right for such claim. Thus, the application is disposed of without passing any orders.

SCN.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)