

ORDER SHEET

**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 - 283 of 2022

Rana Dey - Vs - The State of West Bengal & Ors.

Serial No. and  
Date of order

10  
02.12.2024

For the Applicant : Mr. S. Mustafi,  
Learned Advocate.

For the State : Mr. S.K. Mondal,  
Respondents Learned Advocate.

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 applicant has prayed for a direction to the respondents for regularization of his service. The applicant is a casual worker engaged as Group-D under Respondent No. 3, Executive Engineer, Alipurduar Highway Division.

Mr. Mustafi refers to an office order dated 30.09.2019 issued by the respondent no. 3 in which it appears that this applicant has been certified to have been working for the last 23 (twenty three) years and drawing a remuneration of Rs. 22,000/- per month as a casual Group-D. Since one Samar Pal who was similarly circumstanced and was absorbed in the regular establishment in the year 1998, learned counsel seeks similar absorption for the applicant.

Having heard the submissions of the learned counsels and after examination of the records, it has become clear to this Tribunal that the two Notifications relied by the applicant's

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side being 1650-Emp dated 28.08.1980 and 1700-Emp dated 03.08.1979, does not exist anymore. After the judgement of Hon'ble Supreme Court in the case of Uma Devi & Ors. Vs. State of Karnataka & Ors., such engagement and regularisation of such casual workers have ceased to exist. The Tribunal is not at all satisfied with the other contention of the applicant that long ago in 1998, one Samar Pal, a casual worker was regularised by the authorities. The Tribunal is not satisfied that by such reference to an event prior to the Hon'ble Supreme Court judgement is relevant. In short, the Tribunal is not inclined to pass any directions to the respondent authorities directing them to regularise the service of this applicant who is working as a casual worker in view of the above observations.

The application is disposed of without passing any orders.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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