

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. – OA-511 of 2019**

**Ranjit Halder -- VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order <u>23</u> 22.08.2024	For the Applicant  For the State Respondent	: Ms. Srijani Das, Ld. Advocate. : Mrs. S. Bandyopadhyay, Ld. Advocate.
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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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

From the submissions and the records in this application, it is understood that the applicant was appointed as a daily rated worker and he joined such a post on 25.05.2005 under the office of District Magistrate, Hooghly. Later on 31.07.2017, his services were terminated without any notice or a termination letter. Contention of Ms. Das, learned counsel for the applicant is that in terms of Notification No. 1107-F(P) dated 25.02.2016 appearing at para 3(i) such daily rated worker/casual worker like the applicant can continue in service upto the age of 60 years. Since his termination was made before he attained the age of 60, such decision of the respondent authority was arbitrary. Aggrieved by such termination, this applicant had approached this Tribunal and by an order in OA1072 of 2017, the Tribunal had directed the District Magistrate to consider the matter after giving him an opportunity of hearing. The applicant was heard and a reasoned order was passed by the District Magistrate on 30.11.2018.

Having considered the matter, the District Magistrate came to the conclusion that the applicant had not performed his duties more than 15/16 days in a month. The reasoned order also noted that the applicant had not attended to his duties at least 240 days each year, as was required under the Notification No. 1107-F(P) dated 25.02.2016. Ms. Das, however, disagrees with such reason and relies on documents available with her to prove that the applicant had actually worked more than 10 years since his appointment in the post of Group-D on casual basis. Ms. Das also believes that the applicant had worked for more than 240 days in a year.

Responding to the submission of Ms. Das, Mrs. Bandyopadhyay, learned counsel appearing on behalf of the respondent authority and relying on the District Magistrate's reasoned order, insists that the applicant, as evident from the order,

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had neither completed 10 years of continuous service nor completed at least 240 working days in a year. Thus, the applicant has not fulfilled the essential requirement as stipulated in 3(i) of Notification No. 1107-F(P) dated 25.02.2016 and thus cannot claim to be entitled for continuation of his service upto the age of 60.

Another disputed point is whether the applicant was engaged directly by O/o District Magistrate or through an agency. Attention has been drawn to a Memo No. 658 dated 22.03.2022 by which Nezarath Deputy Collector, Hooghly informs that the applicant was not engaged directly by office of the District Magistrate but his service was through an agency. Ms. Das has shown a copy of memo, which is the last engagement letter dated 02.06.2005, and shows that he was engaged directly by the office of the District Magistrate. Since the authenticity of this engagement letter dated 02.06.2005 is to be confirmed, Mrs. Bandyopadhyay wishes to take instructions and confirm before this Tribunal whether the applicant was engaged directly by the office of the District Magistrate by a letter dated 02.06.2005, appearing at page 6 of the Supplementary Affidavit or he was engaged as a worker through an agency. Let the counsel for the respondent authority confirm the above question on the next date of hearing. The counsel for the applicant is also advised to file a Tabular Chart showing number of days the applicant had worked under the office of the District Magistrate. Since some of the documents being shown as Work Certificate are not very clear, the legal counsel for the applicant may also see that more legible copies are presented before this Tribunal.

Let the matter appear under the heading "**Hearing**" on **05.02.2025**.

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**