

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 - 527 of 2023

GOPAL ADHIKARY & ANOTHER - Vs - The State of West Bengal & Ors.

Serial No. For the Applicants : None
and
Date of For the State Respondents : Mr. Gautam Pathak Banerjee,
order Learned Advocate

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29.01.2025

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 authority to set aside the impugned memo dated 23.11.2022, passed by the Chief Medical Officer of Health, Pashim Medinipur, in terms of a direction of this Tribunal on 06.04.2022 in O.A. 930 of 2021, and consider the application dated 18.05.2023, for permanent absorption.

It appears that the applicants were engaged in the pulse polio programme for Kewakole BPHC in the year 2005 and had been entrusted with different works. Thereafter, in the year 2011, they had been engaged as Sweeper on temporary basis and had been continuing on daily wage basis as Sweeper-cum-Multipurpose Workers. It has been stated that as the applicants were poor and had no other source of income and were unable to maintain their family by the salary drawn, they had filed several representations for being absorbed in the job permanently till 23rd April, 2019. It has been stated that the Chief Medical Officer of Health, Paschim Medinipur, the respondent No.3 by memo dated 25th April, 2019, addressed to the Block Medical Officer of Health, Kewakole Rural Hospital, Garhbeta-II, Paschim Medinipur, the respondent No.4, had directed him to go through the applications of the applicants and also directed to submit a report in detail at an early date. Submission is that since the representations of the applicants, for being absorbed on a permanent basis, were not considered favourably, they had filed O.A. 930 of 2021. In terms of the order of the Tribunal dated 06.04.2022 in O.A. 930 of 2021, a reasoned order was passed by the Chief Medical Officer of Health, Paschim Medinipur, after giving an opportunity of hearing to one of the applicants. It was stated that the applicants were never engaged by any competent authority nor they had any formal engagement letter. They had been working on verbal instructions of the local authority

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from time to time as local people purely on voucher basis and on daily wages.

From the submissions of the learned counsels and the records, it has become clear that the applicants were working on temporary basis. There is no scope for their permanent absorption. However, considering the applicants' very poor conditions, they are at liberty to continue to work as part-time Karmabandhu, if they so wished and if R.K.S. (Rogi Kalyan Samity) deems fit as per the extant rules.

Having observed the above points, the Tribunal is not satisfied that the prayers in this application merit any direction to the respondent authorities. The respondent authority was correct in taking a decision and such decision was taken within the legal framework. The application is disposed of without passing any orders.

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

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL