

**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- 826 of 2022

Serial No. and Date of order	Bikash Mondal For the Applicant	:	<u>VERSUS</u> – The State of West Bengal & Ors.. Mr. S.K. Nandi, Learned Advocates.
<u>03</u> 06.04.2023	For the State Respondents	:	Mr. G. P. Banerjee, 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order passed by the respondent dated 17.12.2021 rejecting their claim for benefits under Memo No. 9008-F(P) dated 16.09.2021 read with 1007-F(P) dated 25.02.2016 for 3998-F(P2) dated 15.07.2019.

Mr. Nandi submits that the respondent has passed the reasoned order without relying on the facts. The first fact which should have been considered is that the applicant is not “**Part Time**” Sweeper or worker. As per records, the applicant is a full time casual/daily rated contractual workers. Mr. Nandi refers to page 41 (A) in which at Sl. No. 50, name of Bikash Mondal is written, which appears to be a combined statement of casual/daily rated workers. The name of the applicant is noted in this document as a daily rated worker and having worked for 240

days in year. This document further shows that he was engaged against a sanctioned post and as on 01.03.2016 he has served in his capacity for more than ten years, besides his monthly remuneration is Rs. 14,500/- . On closer scrutiny, however, neither the signature of D.G. is clear nor there any rubber stamp. Such combined statement reportedly submitted to the Department is not supported by any official letter also. Thus, the very veracity of such a document is to be doubted.

Mr. Banerjee appearing on behalf of the respondents submits that although proper signature and seal is not visible, however, it was a proposal as referred by Mr. Nandi by the Director General, W.B. Fire & Emergency Services to the Govt. Such proposals are submitted by different branches of the Govt. to the concerned Deptts. which would then require final approval of the Finance Department as indicated in the Memo No. 9008-F(P) dated 16.09.2021 and similarly other such notifications.

After hearing the submissions of the learned counsels and perusing the records, it is not clear if such a proposal was at all proposed by the D.G., Fire & Emergency Services to the Govt. In any case, the final authority, being with the Govt., has not approved this proposal which would have given the benefits to those persons. It is not the mandate of the Tribunal to consider whether such an approval ought to have been given to the proposal submitted by different branches of the Govt. The Govt. has its own discretion to decide whether a proposal is worth giving an approval or not and suitable guidelines are framed. Therefore,

this Tribunal cannot rely on such document and thus dispose of this application without passing any order.

Accordingly, the application is disposed of.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

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