

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 110 of 2020

Ainul Haque -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G. Halder, Ld. Advocate.

For the State respondent : Mr. S.N. Ray, Ld. Advocate.

15
21.03.2024

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.

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

From the submissions of the learned counsels and the records in this application, it has now become clear to the Tribunal that except for a statement given by the Assistant Engineer, the applicant having been engaged against the sanctioned post, no other documents have been presented by the applicant's side to contradict the reasons of rejection given in the reasoned order passed by the Principal Secretary. The Principal Secretary while passing the reasoned order has clearly indicated that the applicant was engaged as a casual worker and his services were utilised only when required. Further, it has been made clear that being a casual worker, his wages were always paid through cash vouchers. Thus, not being engaged against the sanctioned post, the applicant's prayer for enhancement of benefits under memo no. 9008-F(P) was not admissible. Though on the last date of hearing, the Tribunal had allowed the applicant's side to produce before this Tribunal any relevant document in support of his claim of being engaged against a sanctioned post, but no such relevant document has been presented. Therefore, given the above observations on the basis of records, the Tribunal is not satisfied that the applicant was engaged against any sanctioned post and is entitled for any benefits under Notification No. 9008-F(P).

With these observations, this application is **disposed of** without passing any orders.

SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)