

**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.
<u>14</u> 29.09.2023	For the State Respondents	: Mr. S.N. Ray, Ld. 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 reasoned order passed by the respondent, Principal Secretary on 31.10.2019. Such a reasoned order was passed after a direction was given by this Tribunal to him in OA 567 of 2018. The matter related to enhancement of pay of the applicant in terms of Finance Department Circular issued from time to time, particularly the Circular No. 1107-F(P) dated 25.02.2016.

Submission of Mr. G. Halder, learned counsel for the applicant is that the applicant was entitled for such on enhancement in his pay as per the extant rules. The applicant was a casual worker on contractual basis working under the Department .

Mr. S.N. Ray, learned counsel for the State respondents, relying on the reasoned order, submits that the applicant was never entitled to such enhancement in his pay. Mr. Ray, refers to the primary reason given in the reasoned order being, the service of the applicant was utilised only occasionally to do some petty works related to MI Scheme and payment to him was made through cash voucher. Further,

**ORDER SHEET**

Form No.

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Case No. **OA 110 of 2020**

**Vs.**

**THE STATE OF WEST BENGAL & ORS.**

the applicant was never engaged against any sanctioned post. The Memo No. 9008-F(P) dated 16.09.2011 makes it clear that any engagement of casual/daily rated/contractual workers has to be only against a sanctioned post. Since engagement of this applicant was not against any sanctioned post, he was not found eligible for enhanced remuneration under the relevant Government Notifications.

Mr. Halder wishes to respond to above reason of rejection through his submission and presentation of relevant documents in support of the applicant on the next date.

Let the matter appear under heading "**Further Hearing**" on **21.03.2024**.

SAYEED AHMED BABA  
Officiating Chairperson & MEMBER (A)

H.S