

**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- 111 of 2023**

**Jiban Dey VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. G.P. Banerjee,  
Mr. M.L. Sarkar,  
Learned Advocates.

03  
24.07.2023

For the State  
Respondents : Mr. G. Halder,  
Mr. Shaon Bhattacharya,  
Learned Advocates.

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

The prayer in this application is for a direction to the respondent authorities to treat the applicant as a permanent Group-D staff under regular establishment on and from 23.06.2014.

From this application, it appears that the applicant was engaged as a Night Guard under the Excise Directorate. Accordingly, the applicant joined his service and by the order dated 1305.2016 he was given a fixed monthly remuneration in terms of Finance Department Notification No. 1107-F(P) dated 25.02.2016. From time to time his engagement was renewed and remuneration also enhanced as per relevant Notification with incremental benefits.

Mr. Banerjee refers to one such order dated 23.08.2022 by which his pay was increased to Rs. 15920/- with Rs. 477/- as increment. In the same order, the applicant has been designated as Night Guard of Muchipapa Excise Barrack as a contractual staff.

Mr. Banerjee submits that his first engagement order did not contain the word "contractual", but subsequently, he has been termed as a "contractual" worker. The applicant has been submitting

representation before the respondents requesting for regularization of his service as Group-D in the permanent establishment. However, the respondent has so far not agreed and continues to categorise his service as a “contractual” and not regular.

Let the submission from the respondents’ side be taken on **31.01.2024**.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

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