

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &
Hob'ble Sayeed Ahmed Baba, Member (A_)**

Case No. – OA-1163 of 2017

Gokul Mondal VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. Murari Chakraborty, Learned Advocate.
	For the State Respondent	:	Mrs. S. Agarwal, Learned Advocate.
<u>18</u> 25.01.2022			

The instant application has been filed challenging the rejection order dated 30.06.2017, whereby the prayer of the applicant for absorption for the post of Sweeper has been rejected.

According to the applicant, though he was working as a part time sweeper, however, there is vacancy for the post of sweeper in the department. Therefore, he may be directed to be absorbed in the said post.

The counsel for the respondent has vehemently objected to the contention of the applicant. The counsel for the respondent has submitted that the department has rightly rejected the claim of the applicant in view of the case of Uma Devi as the applicant was part time sweeper and even he was not appointed against any sanctioned post or through any appropriate selection process. Therefore, he has no right to be absorbed even if there is any vacancy to the post of Sweeper.

We have heard both the parties and perused the records as well as the reasoned order. After going through the reasoned order, it is observed that the applicant was a part time sweeper who was working against a non sanctioned post even he was not recruited through any selection process. Therefore, as per the Hon'ble Apex Courts order passed in the case of State of Karnataka & Ors. Vs. Uma Devi & Ors reported in AIR 2006 SC 1806, the applicant has been rightly rejected by the respondents. Therefore, we do not find any reason to entertain the application. Accordingly OA is dismissed being devoid of merit with no order as to costs.

Since the circumstances beyond control, the Registry is unable to

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furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA
MEMBER (A)

URMITA DATTA (SEN)
MEMBER (J)

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