

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- 1319 of 2014

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

Serial No. and
Date of order

For the Applicant :

Mr. G.P. Banerjee,
Mrs. S. Agarwal,
Learned Advocates.

26
14.06.2023

For the State
Respondents :

None.

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 sitting singly.

The prayer in this application is for a direction to the respondents to absorb the applicant as a permanent Group-D employee under the Department of Forest. This application was filed in the year 2014 challenging a correspondence dated 26.12.2013 by Additional Secretary addressed to the Principal Chief Conservator of Forests (Head of Forest Force). In this correspondence, the observation of the Finance Department was annexed against a proposal submitted by the PCCF regarding absorption of the applicant under permanent establishment as a Group-D. Earlier, the matter was referred to the Finance Department which after examination, advised the Forest Department in the following words :-

“In view of the order passed by the Hon'ble Apex Court, Secretary, State of Karnataka Vs. Uma Devi & Ors, regularisation of casual/daily rated/contractual workers is not possible”.

Submission of Mr. Banerjee is that the proposal for regularisation has been declined relying on “Uma Devi case” without

examining the case in its totality. By simply referring to the “Uma Devi Case”, the proposal of the applicant has been rejected. The respondent authorities have failed to explain as to how the judgement in the “Uma Devi Case” is applicable in this matter. Therefore, such rejection on a very cryptic and non speaking order rejecting the application is unfair to the applicant. Mr. Banerjee prays for liberty to furnish a detailed representation before the Respondent No. 3, P.C.C.F., (Head of Forest Force), Directorate of Forest for consideration of the matter afresh.

After hearing the learned counsels, the matter is disposed of by directing the Respondent No. 3, P.C.C.F, to reconsider the matter after a detailed representation if furnished by the applicant before him within a period of three months from the date of submission of such representation by the applicant.

Accordingly, the application is disposed of.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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