

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-150 of 2023

Nazrul Islam & Others -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicants : Mrs. S. Agarwal, Ld. Advocate.

For the State Respondent : Mr. D. Kole, Ld. Advocate.

06
12.09.2024

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.

The prayer in this application is for a direction to the respondent authorities to fix monthly remuneration as per Circular No. 7284 and No. 3998 dated 15.07.2019. The applicants had earlier filed an application being OA 361 of 2022 in which the prayers were same. The prayers in the earlier application was :

“(a) Direction upon the respondents to allow appropriate monthly remuneration with medical benefits and all other benefits pursuant to the Memo. No. 3998-F(P) dated 15th July, 2019 issued by the Addl Chief Secretary to the Govt. of West Bengal, Finance Department, Annexure-‘D’ herein.”

The Tribunal notices that the prayer in this application is also similar. In terms of a direction in OA 361 of 2022, the respondent authorities passed the reasoned order dated 15.12.2022. The substantive part of the reasoned order is as under :

“Whereas, in this instant case the applicants are working as part time contingent sweeper and they get covered by the memo no. 3998-F dated 19th July 2019. Hence, their prayer for getting under the said memo and thereby receiving an enhanced remuneration as per the said cannot be considered. The matter is thus disposed off.”

Since the prayers in both the applications are same and the earlier OA was disposed of with a direction to pass a reasoned order and such reasoned order has been passed which is not being assailed by the applicants in this application, the Tribunal finds this application to be *res judicata* and hence no order is passed.

Accordingly, this application is **disposed of** without passing any order.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)