

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. - OA 174 OF 2024

SEIKH RAHIM - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

03
20.01.2025

For the Applicant : Mr.V.Mallick
Advocate
For the State Respondents : Mr.Goutam Pathak Banerjee
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 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 for consideration sitting singly.

The prayer in this application relates to a direction upon the authorities to grant the benefit of Memo. No. 9008-F(P) dated 16.09.2011 and Memo. No. 1107-F(P) dated 25.02.2016.

A certificate given by the Sub-Divisional Officer, Guskara Irrigation Sub-Division, Burdwan addressed to the Executive Engineer dated 06.06.2014 shows the name of the applicant, Sk.Rahim , who was engaged since 29.08.1987. It appears that the applicant was an agricultural labourer whose engagement was made during the Boro and Kharif irrigation seasons. By another letter, the same officer requests the Executive Engineer to approve engagement of ten labourers for guarding important regulated gates during the Kharif irrigation season 2004. A copy of the representation in this application is also referred to by the learned counsel. This representation neither has signature nor the dates. The contention of the applicant side is that the applicant had worked for more than ten years during 1987 to 2013 and performed his duties more than 240 days in a year. By such service, the applicant is entitled to the

ORDER SHEET

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financial benefits as stipulated in the Memo. No. 9008-F(P) dated 16.09.2011 and also by the Memo. No. 1107-F(P) dated 25.02.2016. It is not in doubt that the applicant was engaged as an agricultural labourer since 29.08.1987 and may have performed at least 240 days duty in a year. However, the clause 10 of the Memo. 9008-F(P) is clear that such benefits are not to be given to any contractual engagement made without sanctioned post or for any specific project. The applicant side is not able to present any copies of documents which shows his engagement, even contractual, was against a sanctioned post or for any specific project. Mr.G.P.Banerjee, learned counsel has expressed his doubts whether the applicant had performed more than 240 days service in all the ten years.

Thus, the Tribunal not being convinced that the engagement of this applicant was against a sanctioned post does not find any merit in the prayers. Therefore, this application is disposed of without passing any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR