

ORDER SHEET

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 188 of 2022

MAHABIR KUMAR MANDAL - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicant : Mrs.Sonali Mitra
Advocate

07
19.05.2023

For the State Respondents : Mrs.Sunita Agarwal
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 the application is for setting aside the impugned order being Memo No. 3805 dated 15.07.2021 issued by the Medical Superintendent-cum-Vice-Principal, Malda Medical College and Hospital. The notice in this impugned order directs all daily rated/consolidated workers engaged on purely temporary basis not to be engaged in their duties from 01.08.2021. It appears from the notice that the applicant was a daily rated worker under the supervision of Rogi Kalyan Samily.

Submission of Mrs.S.Agarwal, learned counsel for the State respondents is that the applicant is neither a Government employee nor engaged in regular establishment, therefore, this application is not admissible in this forum.

Mrs.S.Mitra, learned counsel for the applicant submits that although such a notice of termination was issued by the respondent, however, presently the applicant has been re-engaged. Therefore, he does not prays for prayer (i) instead prays for a direction to the

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respondent authorities regarding prayer (ii). The prayer (ii) is for a direction to the respondent authorities to allow monthly remuneration to the applicant as per Memo. No. 9008-F(P) dated 16.09.2011 and an order No. 11/07-F(P) dated 25.02.2016 and subsequent amendments made thereto by the Finance Department.

Mrs.S.Agarwal, learned counsel submits that if such a direction is given to the respondent authorities, the same will be considered as per their eligibility and extant rules.

After hearing the submissions of the learned counsels, the Respondent No. 4, the Medical Superintendent-cum-Vice Principal, Malda Medical College and Hospital is directed to consider prayer (ii) i.e. enhancement of monthly remuneration as per relevant Notifications issued by the Finance Department only for the period the applicant had worked within a period of 12 (twelve) weeks from the date of communication of this order. If it is found that the applicant is eligible to receive benefits of remuneration under these Notifications, the same may be granted to the applicant. The Tribunal has not considered passing any order on the prayer (i) for setting aside the order dated 15.07.2021.

Accordingly, the application is disposed of.

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

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