

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 202 of 2021

Smt. Dipali Harijan. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. P. Maji, Advocate.
<u>05</u> 09.12.2022.	For the State Respondents	: Mr. S. N. Ray, 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.

Mr. P. Maji, learned advocate for the applicant submits that the applicant – Smt. Dipali Harijan has been working as a Daily Wages basis Sweeper of A. B. N. Seal College, Cooch Behar since 1994. However, since April, 2017 her services have been terminated without any written order ascribing any reason for such action. Learned advocate points out to para-1 of memo. no. 2966-F(P) dated 23rd April, 2010 in which states “*These casual/daily rated workers may remain engaged till their attaining the age of 60*”. At para-3, “*the memorandum assures Rs.1 lakh as one time cessation of engagement*”. Learned advocate also lays emphasis on para-4 in which such casual/daily rated worker may be terminated because of involvement in criminal case / misconduct / delinquency / incapacitation etc.

Learned advocate submits that in the case of this applicant, although being covered by the above memorandum for continuation of service till 60 and not being involved in any criminal case, the oral termination is in violation of above memorandum. Therefore, suitable direction may be given to the respondents to re-instate the service of applicant in the post of Sweeper / Group-‘D’ and pay all arrear dues of

ORDER SHEET

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service.

Mr. S. N. Ray, learned advocate for the State respondents submits that the subject matter is not maintainable due to time limitation because the applicant ceased to work since April, 2017 and this application was filed before the Tribunal in 2021.

Mr. Ray further submits that memorandum quoted by the learned advocate does not cover the applicant since she is no more in the service with the respondents.

Having heard learned advocates and considering the facts and circumstances of the matter, the matter is disposed of by directing the respondent no. 03 – the Director of Public Instructions, Department of Higher Education, Government of West Bengal to consider and pass a reasoned order in the light of above submissions and in particular the Memorandum No. 2966-F(P) dated 23rd April, 2010 appearing at page-41 of this application within a period of eight weeks from the date of receipt of this order and communicate the same to the applicant within one week thereafter.

The matter is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

S.M.