

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 205 of 2023

Aditya Dule & Ors. -- 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. G.P. Banerjee,
Ld. Advocate.

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14.03.2024

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authority to absorb the applicants in permanent capacity. The applicants are seasonal spray workers drawing a daily wage under no work no pay basis for 60 working days in a year with a wage of Rs.84 per day. This seasonal spray workers worked under the establishment of BMOH, Simlapal, Bankura. Submission of Mrs. Agarwal is that these applicants have preferred their representations before the respondent authorities and thus, prays for a direction to the respondent to consider their representations.

In response, Mr. Banerjee, learned counsel for the State respondents opposes the admission of this application primarily on the ground that these applicants being seasonal spray workers engaged for only 60 days in a year are not entitled to be absorbed in regular establishment under any of the schemes of the Government. Responding to Mr. Banerjee's view point, Mrs. Agarwal submits that in another similar case, the same respondent authority has considered and passed an order relating to absorption of such seasonal workers. Mr. Agarwal would like to present a copy of this reasoned order on the next date.

It is not in dispute nor agitated by the applicants that they are seasonal Spray Workers. Such nature of their engagement is clear from the order dated 14.09.2009 issued by the Chief Medical Officer of Health, Bankura engaging some of the applicants. By this order, these Spray Workers were engaged to do anti-malarial insecticidal spray operation on daily wages (no work no pay)

ORDER SHEET

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Form No.

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for 60 working days. A representation before the respondent authorities dated 05.03.2019, the applicant Bablu Dule has stated that he is a seasonal worker.

Having heard the submissions of the counsels, it is the finding of the Tribunal that prayer of these seasonal Spray Workers being engaged on urgent basis for 60 days in a year and paid on daily basis, their prayer do not have any merit. By very nature of their engagement, the respondent authorities are not obliged under any law to absorb them into permanent job. Therefore, finding no merit in this application, this application is **disposed of** without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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