

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 241 of 2021

Hiranmay Sarkar - Vs - The State of West Bengal & Others.

Serial No. and
Date of order

14
10.01.2024

For the Applicant : Mr. H.A. Rashid,
Learned Advocate.

For the State Respondents Mrs. Sunita Agarwal,
Learned 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, the matter is taken up for consideration sitting singly.

By an order dated 01.04.201, the applicant being a Civil Defence Volunteer was engaged to drive a vehicle of West Bengal Civil Emergency Force for not more than two weeks at a stretch in a month. Having served in such capacity till date, now the applicant has prayed for a direction to the respondent authority to absorb him in a regular post commensurate with his experience. It also appears that the respondent authority through an advertisement had called for willing candidates to participate in a selection process for recruitment to the post of Agragami. But the applicant did not participate. On the other hand, the Commandant, West Bengal Civil Emergency Force had recommended name of this applicant to the competent authority to a vacant post of Driver in permanent service under his command.

Submission of learned counsel for the applicant is that despite such recommendation and furnishing several representations, the respondent authority has not considered his prayer. Submission is that on

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a similar application, this Tribunal in OA-439 of 2020 had directed the respondent authority to consider their representation and pass a reasoned order as per law.

In response to the submissions of the applicant's counsel, Mrs. Agarwal submits that as per the nature of engagement, he was neither engaged against any sanctioned post nor absorbed subsequently in any permanent post. Submission is that the applicant being a driver was engaged temporarily only for two weeks in a month. As stated in the reply of the respondent, neither the applicant is eligible for absorption under any establishment nor is there any provision in law to absorb the applicant into permanent capacity. Since there was a direction to the respondent authority in OA-439 of 2020, Mrs. Agarwal prays for accommodation to file a copy of the reasoned order passed by the respondent authority. Let such copy of the reasoned order passed in OA-439 of 2020 be filed by the respondent before this Tribunal on the next date.

Let the matter appear under the heading "For Orders" on **07.05.2024.**

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

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