

ORDER SHEET

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 297 of 2017

Pradip Nayek -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. S. Mitra Ld. Advocate.

For the State respondent : None.

23
12.04.2023

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 counsel, the case is taken up for consideration sitting singly.

The prayer in this application is for regularising the service of the applicant since he has completed 10 years of service. Mrs. S. Mitra, learned counsel for the applicant submits that as per the statements at page 17 and 26, the applicant has completed more than 10 years of service and thus, entitled for regularisation in permanent capacity. The prayer is also for disbursing arrear salaries and other financial benefits.

From the reply submitted by the respondent, it appears that the applicant is no more working as a part-time sweeper at RR office, Ranaghat, but presently working as a Guard at Ranaghat Women's Home Office on part-time basis. The communication referred by Mrs. Mitra at page 26 is a correspondence from the Sub-Divisional Officer, Ranaghat addressed to the Deputy RR Commissioner, in which the applicant has been certified of having worked for more than 14 years. This correspondence also certifies that the applicant is a part-time worker, "now working almost full time" for the last 4 years.

It is observation of the Tribunal that since the applicant is a part-time Sweeper/Guard albeit having worked more than 10 years, the Government schemes do not allow him to be absorbed in permanent capacity. Although a certificate has been given at page 26 as to the effect that the applicant is a part-time worker, but "working almost full time" is not a sufficient qualification for the applicant to be absorbed in a permanent capacity as long as he is a part-time worker and his appointment is also not upgraded to a full time contractual worker. Therefore, it is the opinion of the Tribunal that the prayer of the applicant for permanent absorption has not merit.

Accordingly, the application is **disposed of** without any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS