

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 377 of 2023

Krishna Mandal & Ors. -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicants : Mr. B.B. De,
Ld. Advocate.

For the State Respondents : Mr. S. Ghosh,
Ld. Advocate.

04
21.08.2025

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.

The applicants filed this application praying for a direction to the respondents to give the financial benefits under Memo No. 9008-F(P) dated 16.09.2011. The applicants are working as daily rated workers/casual workers under the Respondent No. 7, the Farm Manager, Barasagardighi Model Fish Farm, Barasagrdighi, Mukdumpur, Malda – 732 103.

In terms of a direction of this Tribunal in OA 1014 of 2015, the Secretary, Department of Fisheries had passed the reasoned order on 27.05.2019 regretting enhanced remuneration under Memo 9008-F(P) dated 16.09.2011 on the ground that the applicants were not engaged against any sanctioned post and such engagement was without the approval of the higher authority.

From the above facts, the Tribunal finds that not only these applicants had filed a new application but also in the prayers, they did not mention that such prayers were already heard by this Tribunal earlier in another application. The same applicants had filed OA 1014 of 2015 before this Tribunal. After concluding the hearing, the Tribunal had directed the Department of Fisheries to consider their representations for benefits under Memorandum No. 9008-F(P) dated 16.09.2011. As compliance, the Secretary of the Department of Fisheries passed the reasoned order on 27.05.2019 and regretted that such petitioners were not entitled to such benefits under Memorandum No. 9008-F(P).

In this application, the applicants have again presented the

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same prayers as was prayed in the earlier round of litigation in OA 1014 of 2015. Thus, the prayers in this application is barred due to *res judicata*. Further, by not stating in the prayers that the same was earlier heard and reasoned order passed on it, the Tribunal is inclined to believe that the applicants have suppressed this important information. The copy of the reasoned order passed by the Secretary dated 27.05.2019 was presented by Mr. Ghosh, learned counsel appearing on behalf of the State respondents.

In fact of above observation, this application is **dismissed**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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