

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. - OA 400 of 2020

Subal Chandra Singha & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

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|---------------------------------|------------------------------|---|
| Serial No. and Date of order | For the Applicants | : Mr. G. Halder, Advocate. |
| <u>04</u> 27.01.2021 | For the State Respondents | : Mr. G.P. Banerjee, Mr. B.P. Roy, Advocates. |

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-section (6) of Section 5 of the Administrative Tribunals Act, 1985.

In this application, Subal Chandra Singha and 85 others, who are casual workers under Bankura North, Bankura South and Panchayet Division (Bishnupur) have prayed for several reliefs, the relevant portion of which is as under :

“..... a) *Direction upon the respondents and their men and agent not to give effect of the purported advertisement dated 30.7.2020 for recruitment of Bana Sahayak under the three divisions of Bankura namely Bankura North, Bankura South and Bankura Panchet Division (Bishnupur) and further cancel, quash and set aside the same.*

b) *Direction upon the respondents not to disturb the job of casual daily labour in the three Divisions of Bankura by recruitment Bana Sahayak in place of them and further ensure their work on regular basis.*”

Mr. G. Halder, learned advocate for the applicants submits that since the casual workers are working for the last few years, the action taken by the respondents in initiating recruitment of Bana Sahayaks under the three divisions of Bankura North, Bankura South and Panchayet (Bishnupur) by issuing the advertisement dated 30th July, 2020 is

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uncalled for and illegal.

Mr. G.P. Banerjee, learned advocate appearing for the State respondents denying the allegations made in the original application submits that all the applicants are not at present working. In view of the law laid down by the Hon'ble Supreme Court, no steps are taken by employing casual workers replacing casual employees, rather steps are being taken for recruitment on permanent basis.

Having heard learned advocates for the parties and considering the facts and circumstances of the case no order is passed save and except the respondents are at liberty to proceed with the advertisement for recruitment of Bana Sahayak and will not resort to employment of casual daily labours replacing the present petitioners who are claiming to be casual labours.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)
CHAIRMAN

Rajib