

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 – 416 of 2024

Koushik Biswas - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

04
20.08.2025

For the Applicant

: Mr. M.N. Roy,
Mr. G. Halder,
Learned Advocates.

For the State :
Respondents

Mr. S. Ghosh,
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.

The prayer in this application is for a direction upon the respondent authorities to consider his representation dated 22.07.2024 after assailing the impugned reasoned order dated 28.02.2022. In terms of a direction of this Tribunal dated 21.04.2021 in OA-144 of 2021, the Principal Secretary of W R I & D D. Deptt. passed the reasoned order dated 28.02.2022. The applicant was engaged as an additional support staff in the post of Group-C under the Office of the Executive Engineer (Agricultural Mechanical), Berhampore, Murshidabad on 01.02.2010. The applicant had prayed for enhanced remuneration in terms of G.O. No. 9008-F(P) dated 16.09.2011. The Principal Secretary in his reasoned order regretted such prayer on the ground that he had not rendered continuous service for at least 240 days in each year in order to get the benefit of Memo 9008-F(P) dated 16.09.2011. The

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benefits of Notiication No. 9008-F(P) is available to only those casual/daily rated/contractual workers who have rendered ten years of continuous service with at least 240 days in each year. Aas recorded above, the Principal Secretary did not find the applicant of having completed 240 days in each year. However, the respondent authority agrees that he was engaged against a sanctioned post.

Mr. Roy, learned counsel submits that the Principal Secretary made an incorrect observation and draws attention o a statement signed by the Executive Engineer (Agri-Mechanical), Berhampore-II, Murshidabad. On closer reading of this statement, the Tribunal finds that the Executive Engineer had clearly certified that Koushik Biswas, the applicant had performed his duties since 2009 till 2022 and more than 240 days in each of these years. Mr. Ghosh, learned counsel also confirms that such certificate has been given to the applicant for his service of 240 days in a year since 2009.

Since this certificate of the Executive Engineer is dated 12.05.2023, the Tribunal observes that the Principal Secretary while passing the reasoned order on 28.02.2022 may not have been aware of such facts this certified by the Executive Engineer was issued after one year from the date of passing of the reasoned order by the Principal Secretary.

In view of the above observations, the Tribunal is satisfied that, Koushik Biswas, the petitioner having been engaged against a sanctioned post and having worked for at least 240 days since 2009 till 2022, as certified by his Executive Engineer, fulfils the eligibility criteria as stipulated in Memo 9008-F(P) dated

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In view of the above observation, the Tribunal is compelled to set aside the impugned reasoned order dated 28.02.2022 passed by the then Principal Secretary, W.R.I & D.D. Deptt.

Having set aside the impugned reasoned order, now the Tribunal directs the Respondent No. 3, now re-designated as Addl. Chief Secretary, W.R.I & D.D. Deptt. to consider his prayer for enhanced remuneration under Memo 9008-F(P) dated 16.09.2011 to the applicant afresh in view of the statement and certificate given by the Executive Engineer (Agri-Mechanical) Berhampore-II Division, Murshidabad dated 12.05.2023 and take a decision by way of a speaking and reasoned order, preferably within four months from the date of communication of this Order. Copy of such order be passed and communicated to the applicant within four weeks thereof.

The application is disposed of.

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