

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 490 of 2021.

DEBASREE POLLEY@ KOLEY & ORS- VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

13
09.4.2024

For the Applicants : Mr. J. Khan,
Advocate.

For the State Respondents : Mr. G.P. Banerjee,
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

Appearing on behalf of the State respondents, Mr. Banerjee, learned counsel submits that it is evident from different documents that the applicants knew they were appointed on purely contractual basis and such appointment do not give them any inherent right to demand absorption into the regular establishment. For reference, Mr. Banerjee draws attention to the appointment letters earlier issued on behalf of the applicants which mentions very clearly that such engagement is purely on contractual basis. Further reference is also made to one of the joining letters of one of the applicants in which acceptance to all the terms and conditions have been expressed, in particular to his service on contractual basis and forfeiting his right to claim any post on regular basis in future. Attention is drawn to the Recruitment Rules for filling up the post of Lecturer in different disciplines published on 21st November, 2012. In particular, attention is drawn to the 1(b) of the Rule which states that such recruitment has to be followed through selection (direct recruitment) by Public Service Commission. Mr. Banerjee submits that it is the Public Service Commission who has been given the responsibility to recruit lecturers in various Polytechnics. Therefore, this respondent Department does not have such authority. Further submission is that in terms of such Recruitment Rules, several advertisements were

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published by the PSC for recruitment to the post of Lecturers in Government Polytechnics. In the year 2018, the Commission had published one such advertisement but none of the applicants preferred to apply for such post. Finally, Mr. Banerjee submits that these applicants as employees on contractual basis neither challenged such appointments nor addressed their grievances before any of the competent authorities. Mr. Banerjee submits in this matter the judgement of Uma Devi will not be relevant because these applicants were appointed after the cut off date - 10.4.2006. It is also submitted that similarly circumstanced employees, being Lecturers in different Government Polytechnic had moved the Hon'ble High Court against the orders of the Tribunal but these were dismissed. The applicants in the Hon'ble High Court had prayed against the orders passed by the Tribunal in OA 1083 of 2012, 585 of 2013 and OA 1222 of 2012 and 1273 of 2012.

Mr. Khan has prayed for accommodation to allow him to file copies of relevant judgements of Hon'ble Supreme Court on the next date of hearing.

Let the matter be listed under the heading "Hearing" on 14th August, 2024.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.