

ORDER SHEET

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 495 OF 2021**

BIPLAB KETAN GHATAK & OTHERS - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicants : Mr.J.Khan
Advocate

12
01.02.2024

For the State Respondents : Mr.Goutam Pathak 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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicants in this application have prayed for a direction to the respondent authorities to absorb them into permanent establishment with regular pay and allowances. From the submissions and records, it is observed that the applicants were appointed as Lecturers in several Government Polytechnics on contractual basis, initially for the first six months, thereafter, by a Notification dated 26.02.2021 till 60 years. This notification also enhanced the remuneration to 35,000/- per month with the added terminal benefit of Rs. 3 Lakhs.

Submission of Mr.J.Khan, learned counsel for the applicants is summed up as under:-

(i) That by the very admission of the respondent authority as expressed in the Notification dated 26.02.2021, the services of the applicants have been well in advance accepted till they attain the age of 60 years. By such admission and consideration, it is clearly to be understood that not only the services of the applicants so far have been

satisfactory, but their services will be required in the coming years also.

(ii) Mr. Khan also finds support in the enhanced remuneration of Rs. 35,000/- for each applicant as a lecturer. His contention is that such enhanced remuneration has been ordered to be paid to the applicants for their having such qualification at par with and recognised by the AICTE. Like the earlier point, this also goes to show that the service recommended by the applicants are not only satisfactory, but their qualifications have also been recognized for performing their duties as Lecturers.

(iii) But having similar educational qualification and performance of duty, compared to the regular appointees, these applicants are not treated fairly. As compared to the regular lecturers, the applicants have the same qualifications and devote equal or even more hours of duty in their work, but when it comes to either remuneration or other service related matters, the applicants are still considered as a contractual employee.

(iv) To further prove the point that contractual lecturers are not treated equal to the regular appointees, reference is made to page 7 in the rejoinder. This reference appears to be a letter written by the Principal of Dr. Meghnad Saha Institute of Technology on 09.07.2008 in which it is pointed out, one Tarun Kumar Changdar, lecturer on contractual basis was earlier appointed by the Government against a sanctioned post. Submission of Mr. Khan is that this is a clear evidence to prove that the applicant(s) was appointed against a sanctioned post by the Government.

Concluding his submission today, Mr.Khan reiterates the case of the applicants for regularisation into permanent establishment as lecturers.

ORDER SHEET

Form No.

BIPLAB KETAN GHATAK & OTHERS

Case No **OA 495 OF 2021**

Vs.
THE STATE OF WEST BENGAL & OTHERS.

Let submission from the respondent side be heard on the next date of hearing. Let the matter appear under the heading "Further Hearing" on 9th April, 2024.

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

BLR