

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 508 OF 2022

HEMANTA DAS BAIRAGYA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mrs. Sunita Agarwal,
and Advocate
Date of For the State Respondents : Mr. G.P. Banerjee,
order Advocate

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04.07.2023

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 parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authority to grant and disburse the benefits stipulated in the memo No.9008-F(P) dated September 16, 2011. Such benefits under this notification were prayed by the applicant before the respondent which was rejected in a reasoned order passed on 03.02.2020.

It appears that the applicant was a casual worker and performed his duties as a water career since March, 1998 in the office of Sub-Divisional Controller, Food & Supplies, Rampurhat, District - Birbhum at a consolidated remuneration of Rs.1,000/-.

It is observed that the applicant was appointed as a casual worker to perform the duty of water career. Such appointment was not made against any sanctioned post nor was this applicant regularised in service. So far the memorandum No.9008-F(P) dated September 16, 2011 is concerned, the paragraph (x) states that "The provisions of this Order will not be applicable where contractual engagement has been made without any sanctioned post and for any specific project.....".

It is clear that benefits of this memorandum is not applicable to this applicant for the reason that his appointment was not made against any sanctioned post.

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After hearing the submissions of the learned counsels, the application is disposed of by directing the respondent No.5, the Sub-Divisional Controller, Food & Supplies, Rampurhat, District – Birbhum to examine and consider if this applicant can be covered under the memorandum No. 7284-F (P2)/FA/0/2M-1 dated November 27, 2017. If after examination it is seen that the applicant's remuneration can be enhanced as per this memorandum, the same may be enhanced and paid to the applicant as long as he is in the service of being a casual worker with the same terms and conditions.

The application is disposed of.

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

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL