

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 581 of 2019

Kapil Shaw -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Sabyasachi Roy,
Ld. Advocate.
For the State respondent : Mrs. S. Bandyopadhyay,
Ld. Advocate.

14
01.12.2022

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.

Prayer of learned counsel for the applicant to add District Magistrate, Nadia is allowed.

It appears that the applicant, Kapil Shaw has been working as a Sweeper in Nabadwip Govt. Sanskrit College since March, 1986. Although working continuously as a contingent menial staff in the College, the issue of his payment of salary/remuneration used to pose difficulties some times. From the letter of the District Magistrate addressed to Director of School Education on 31.01.2006, it appears that the Krishnanagar Treasury-I had raised some objection to payment of salary/remuneration to the applicant. The District Magistrate had brought this issue and requested the Director of School Education to mitigate this problem so that the applicant gets his salary regularly. This apart, the District Magistrate had also sought co-operation from the Director of School Education for regularisation of his post from contingent to regular establishment.

Mrs. Bandyopadhyay, learned counsel for the State respondents in her submission referring to the reply of the State respondents submits that due to applicant being a contingent menial (Sweeper) on purely temporary basis , payment of his salary has been a problem due to Treasury objections.

It is surprising that the applicant having worked as a contingent menial for the last thirty five years has been subject to Treasury objections and not fortunate to have been regularised till now. Even for getting his well deserved

Form No.

Case No. **OA 581 of 2019.**

Vs.

The State of West Bengal & Ors.

and rightful salary, he has to spend money on filing a case in the Tribunal, unfortunately without any relief to him so far. It is unfortunate that today such a petty matter, albeit important to the applicant has to travel all the way to the Tribunal seeking a redressal

Having heard the learned advocates for the parties and considering the above facts and circumstances of the case in which the poor applicant has been facing, the Tribunal requests the District Magistrate, Nadia to personally intervene and ensure payment of his arrear salaries are paid to him at the earliest. . The District Magistrate after having intervened in favour of the applicant may communicate the outcome to the applicant within two weeks thereof.

Directions are also given to the respondent no. 3, Director of Public Instruction, West Bengal, Bikash Bhawan, respondent no. 6, District Inspector of Schools (SE), Nadia, respondent no. 7, Treasury Officer, Krishnanagar Treasury-I, Nadia to ensure that the applicant's arrear salaries/remunerations are paid within a period of eight weeks from the date of communication of this order.

The matter stands **disposed of.**

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS