

**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 66 of 2023.

RABINDRANATH PRAMANIK- VERSUS-THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

05  
17.01.2024.

For the Applicant : Mr. G. Halder,  
Learned Advocate.  
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 23<sup>rd</sup> 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.

The applicant has prayed for a direction to the respondent authorities to enhance his wages as per Notification dated 05.08.2019, 15.07.2019 and 08.02.2019 issued by the Finance Department after setting aside the impugned order passed by the Principal Secretary on 21.12.2022.

Submission of Mr. Halder is that the reasoned order has not considered the actual facts pertaining to the applicant's service. According to him, applicant has worked for more than 240 days in a year and completed more than 10 (ten) years in such service.

Having heard the submissions of the learned counsels and perusing the available materials in this application, the Tribunal finds that it is an admitted fact that the applicant was a part time Barber on contractual basis and his duty hours were from 05-30 A.M. to 11 A.M. only. It is also another admitted fact that he was not appointed against any regular and sanctioned post. Therefore, his claim for enhancement of his wages as per Notification issued by the Finance Department will not be applicable in this case. The Notification No. 9008-F(P) dated 16.9.2011 makes

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it clear that the provisions of this Notification will not applicable in the case of casual/daily rated/contractual workers, who were appointed without any sanctioned post. Since the fact relating to him being a part-time contractual worker and not appointed against sanctioned post has not been controverted, this Tribunal find that the prayer in this application is devoid of any merit and therefore, not admissible. Accordingly, this application is disposed of without passing any order.

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

Skg.