

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 783 of 2023.

SRI KAMAL KANTA JHA- VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
14.3.2024

For the Applicant : Mr. S. Ghosh,
Learned Advocate.
For the State Respondents : Mr. M.N. Roy,
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 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.

In terms of a direction in OA 518 of 2022, the District Welfare Officer, Backward Classes Welfare passed the impugned reasoned order. Earlier in OA 91 of 2019, this Tribunal had dismissed his application for having no merit. The contractual employment of the applicant as Darwan-cum-Night Guard of St. David Central Hostel was terminated for his being involved in a criminal case. Though acquitted later by the Ld. Magistrate, his prayers for reinstatement was not considered by the respondent authority. In the reasoned order dated 11.10.2023, which is being assailed by the applicant in this application, an elaborate containing specific grounds have been covered for such decision of the respondent authority.

After hearing the submissions of the Ld. Counsels and on close examination of the records, in particular, the reasoned order dated 11.10.2023, it is apparent that there are several instances of the applicant's misbehaviour and disobedience while discharging his duties in the Hostel as the Darwan-cum-Night Guard. The respondent authority has mentioned specific names, places and dates by which the applicant's behaviour was not considered appropriate, rather hostile.

The Tribunal finds that since the performance of the applicant as a

ORDER SHEET

Form No.

SRI KAMAL KANTA JHA.

-Vs-

Case No. OA 783 of 2023.

THE STATE OF WEST BENGAL & ORS.

contractual employee was not satisfactory and apprehensions have been noted that such continuation or renewal of his contract for the post of Darwan-cum-Night Guard in the Hostel may further disturb the environment, therefore, the employer exercising its discretion refused to further renew the contract.

Having read and being satisfied with such elaborate and specific instances relating to the performance of the applicant as a Darwan-cum-Night Guard on contract basis, the Tribunal does not find it appropriate to interfere and pass any direction to the respondent regarding his prayer. The Tribunal is also clear that such termination was not on any flimsy or arbitrary ground.

In view of above findings, this application is dismissed for being devoid of any merit.

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

Sk.