# <u>ORDER SHEET</u> WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

### Present : HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN &

# HON'BLE SAYEED AHMED BABA, ADMINISTRATIVE MEMBER.

Case No. - OA 80 of 2022.

SRI BIJOY BAURI AND ANR -VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and For the Applicants Date of order

: Mr. G.P. Banerjee, Mrs. S. Agarwal, Advocates.

4 14.6.2022

For the State respondents : Mr. S.N. Ray, Advocate.

In this application, Bijoy Bauri and Purul Badyakar, the applicants have prayed for certain reliefs, the relevant portion of which is as under :-

"a) A mandatory order directing the respondents to re-engage the applicants as daily rates worker in Dubrajpur Block Seed Farm, Birbhum and to pay the due remuneration of the applicants considering the Government Circulars and the representation dated 20.11.2021 and to act in accordance with law....".

On the question of maintainability of the application, Mr. G.P. Banerjee, learned advocate appearing on behalf of the applicants referring to the Full Bench Judgement in Tanmay Ghosh – vs- State of West Bengal : 2015(2) CHN (CAL) 461 submits that since the wages of the applicants were drawn from the State Treasury, the application is maintainable. Submission is that as the applicants were disengaged by the authorities of Dubrajpur Block Seed Farm, Birbhum and since representations have been made by the applicants for re-engagement, direction may be issued upon the State respondents to consider the same.

Mr. S.N. Ray, learned advocate appearing on behalf of the State respondents submits that since the applicants were engaged according to the requirements and subsequently they were dis-engaged, no order may be passed.

So far as the maintainability of the petition is concerned, in view of the judgement passed in Tanmay Ghosh (supra) and the law laid down in Form No.

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paragraph 7 thereof, as we find in the instant case also wages of the applicants were drawn from the State Treasury, the application is maintainable.

Since the applicant No. 1 has filed representation on 27<sup>th</sup> September, 2021 and applicant No. 2 has filed representation on 28<sup>th</sup> September, 2021 praying for reengagement and payment of wages, considering the facts and circumstances of the case, the application is disposed of by directing the Assistant Farm Manager, Dubrajpur Block Seed Farm, Dubrajpur in the district of Birbhum, - the respondent no. 2(vi) to dispose of the said representations by passing seperate reasoned orders to be communicated to the applicants within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing and after verifying the records. We make it clear that we have not gone into the merits of the matter and all points are kept open to be dealt with by the respondent no. 2(vi).

# (SAYEED AHMED BABA) MEMBER(A)

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(SOUMITRA PAL) CHAIRMAN.

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