

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 835 of 2023.

SUJOY RUIDAS & ANR - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
29.08.2024

For the Applicants : Mr. U.K. Bhattacharya,
Advocate.
For the State Respondent : Mr. S. K. Mondal,
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.

The prayer in this application is for quashing and setting aside the impugned order under memo 314/2(4)-PW/O/Works dated 07.09.2022.

Mr. Mondal, learned counsel draws attention to copies of documents in this application and argues that the applicant being a work charged employee and not being a regular employee is not entitled for an employment under compassionate ground. The four specific documents he has referred to are :-

- (i) The PPO in which the words “Work Guard” is mentioned.
- (ii) The proposal for pension also mentions “Work Guard”.
- (iii) Applicant’s own representation dated 24.6.2019 admitting that his father was a Work Guard.
- (iv) Copy of the engagement order dated 05.10.1994 in which the name of Subodh Chandra Ruidas of having been engaged under work charge establishment.

Relying on the above reference, Mr. Mondal has submitted that the deceased employee was neither appointed nor served in any capacity nor served as a regular employee. He further clarifies that any work charged employee who has been

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given the responsibility of guard are termed as Work Guard meaning the guards, who are under work charge establishment and not regular employee. However, Mr. Bhattacharjee, learned counsel disagrees with such argument and submits that as is evident from office order dated 16.3.2004, the deceased employee was referred to as a Guard. Further, the deceased employee having served eight years of continuous and satisfactory service was granted financial benefits in terms of memo 3015(F) dated 13th March, 2001.

Heard the learned counsels.

The matter is admitted.

Let the matter appear under the heading "For Orders" on 18th February, 2025.

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

SCN/Skg.