

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J)

Case No. – OA-880 of 2021

Debabrata Chakraborty VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. S.C. Manna, Learned Advocate.
	For the State Respondents	:	Mr. A.K. Das Sinha, Learned Advocate.

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16.08.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for following relief :-

- a) Direction be given upon the respondents to provide in post of Security Range in the Nathua Range Office at Jalpaiguri Division, Govt. of West Bengal as regular service on the basis of panel as stated in above mentioned annexures.
- b) Direction be given upon the respondents to pay the salary with service benefit from appointment of Casual Labour.
- c) Direction be given upon the respondents to regularise the service on the basis of panel which has been prepared by the concerned authorities.
- d) Any other relief to which the applicant is entitle be directed to be granted and/or pass such other order or orders for the ends of justice.

As per the applicant, he was working as Casual Daily Labour since 20.05.2005 and worked up to 31.01.2022. In the meantime, vide Memo dated 04.02.2020 as well as 16.03.2020, the name of the applicant along with others were sent for necessary action with a

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proposal for providing security of tenures in terms of Finance Department Notification No. 9008-F(P) dated 16.09.2011.

As per the applicant, he made a representation before the PCCF (HoFF) on 25.11.2021 and has prayed for granting the benefit as mentioned in the Office Memo dated 04.02.2020 and 16.03.2020 sent by the Divisional Forest Officer, Jalpaiguri Division to the PCCF (HoFF). Thereafter, he has filed the instant application.

The counsel for the respondent has vehemently objected to the prayer of the applicant and has prayed for dismissal of the OA. It has been submitted, that he was allowed to work till 31.01.2022, therefore, he has already been allowed to work as per the Notification dated 16.09.2011. However, the applicant is asking for appointment after his retirement which is contrary to his representation.

I have heard both the parties and perused the records. It is noted that the applicant had preferred a representation before the PCCF praying for approval of the Memo dated 04.02.2020 and 16.03.2020 issued by the Divisional Forest Officer, Jalpaiguri Division. Further it is noted that from the perusal of the Memo dated 04.02.2020, it is noted that the Range Officer, Nathua Range, Jalpaiguri Division had sent one proposal for providing security of tenure etc. of CDL workers in terms of Finance Department Notification dated 16.09.2011, which was further forwarded by the Divisional Forest Officer, Jalpaiguri Division vide his Memo dated 16.03.2020 to the PCCF (HoFF) whereas the applicant has prayed for a direction to provide employment in the post of Security Range in the Nathua Range Office as regular service on the basis of said panel.

From the perusal of the aforesaid two Memos dated 04.02.2020 and 16.03.2020, it is clear that the said Memos were for a proposal of security of tenure of casual labourers as per Finance

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Department Notification dated 16.09.2011 and admittedly as per the applicant, he retired on 31.01.2022, therefore, the said panel was not for providing regularisation of a Group-D post rather the aforesaid two Memos relates with a proposal for security of tenure as per Finance Department Notification dated 16.09.2011.

Therefore, I agree with the submission of the respondents as the said panel is not for regularisation of service even the applicant has retired, according to him, on 31.01.2022. Therefore, I do not find any merit to entertain the OA and the same is dismissed being devoid of merit.

URMITA DATTA (SEN)
MEMBER (J)

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