

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. –OA 914 of 2021

Kashem Ali Piada - **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mrs. S. Mitra, Learned Advocate.
<u>05</u> 06.09.2022	For the Respondents	: Mr. S.K. Mondal, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for following relief :

- a) *“An order be passed directing the respondent authorities to withdraw, cancel, rescind the impugned records (if any) in which the applicant was described as part-time employee under the said department, since in the reply against the application under Right to Information Act, 2005 so made by the applicant, the applicant was described as part-time employee.*
- b) *An order be passed upon the respondent authorities directing the respondents to treat the applicant as whole-time regular employee under Consumer Affairs Department, Government of West Bengal and to approve and/or absorb the applicant in a permanent post.*
- c) *An order be passed directing the respondents to pay the salaries and allowances as admissible to a permanent Group D staff under the Consumer Affairs Department, Government of West Bengal month by month as well as other service benefits as admissible to a permanent group ‘D’ staff under the said department.*

ORDER SHEET

Form No.

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Vs.

The State of West Bengal & Others

*d) Pass such other or further order or orders as to Your
Lordships may seem fit and proper. “*

During the course of the hearing, the counsel for the applicant has submitted that the respondents have described applicant in different nomenclature on different time as would be evident from the order dated 10.03.2020 (Annexure ‘C’) as well as 12.10.2020 even in their reply to RTI dated 22.01.2020.

However, the counsel for the respondents has raised preliminary objection that the application is pre-mature as the applicant did not avail the alternative remedy by way of making any representation before the authority.

In view of the above, the counsel for the applicant has submitted that he wants to withdraw the application with a liberty to make a detail representation before the authority.

Accordingly, the OA is dismissed as withdrawn with a liberty to the applicant to make a written representation, if so, advice..

Mrs. URMITA DATTA (SEN)
Officiating Chairperson & Member (J)

HS