

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.**

**Case No. –OA 936 of 2019**

**Suman Saha. - Versus - The State of West Bengal & Others.**

Serial No. and Date of order	For the Applicant	: Mrs. S. Mitra, Advocate.
<u>12</u> 04.07.2024.	For the State Respondents	: Mrs. S. Agarwal, 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The applicant has prayed for setting aside the impugned reasoned order passed on 24.01.2018. In terms of a direction of this Tribunal in OA-606 of 2017, the Principal Secretary of Health & Family Welfare Department passed the reasoned order rejecting the application of the applicant for benefits under Notification 9008-F(P) and 1107-F(P) issued by the Finance Department. These Notifications cover eligibility criterias for enhancement of remuneration to the employees who are engaged as casual and daily rated workers. The reasoned order relying on Clause 10 of Notification 9008-F (P) regretted the prayer on the ground that his engagement as a Water Carrier on contractual basis was not made against any sanctioned post.

From the records, it is beyond any doubt that applicant has been working as a Sweeper –cum- Caretaker in the office of the Assistant Chief Medical Officer of Health, Mathabhanga, Cooch Behar since 2010. The applicant had taken this job in place of his father since deceased. For such service, the applicant receives a monthly remuneration of Rs. 2,000/- only.

Notification Nos. 3998–F(P2) dated 15.07.2019; 9008-F(P) dated 16.09.2011 and 1107-F(P) dated 25.02.2016 covers casual workers entitled to receive an enhanced remuneration. One of the stringent conditions of Memo. No. 9008-F(P) dated 16.09.2011 is that such

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enhanced remuneration will not be applicable for such contractual engagements made without any sanctioned post.

On close examination of the Notification 9008-F(P), it is clearly stated that such enhanced remuneration will be applicable only for those who had been appointed / engaged against any sanctioned post. Though the applicant had served for more than 10 years but the fact remains that his engagement was not against any sanctioned post. The same Notification at Clause (x) also gives the authority to the Head of the Department to exercise checks and balances for ensuring that no ineligible person gets such benefit. The Principal Secretary of the Department, being such authority after examination of this case was not satisfied that the applicant was appointed against any sanctioned post. Thus, his prayer is regretted.

The Tribunal did not find any document presented by the applicant to satisfy it that his engagement was against any sanctioned post. On the contrary, the reference no. 392/ACMOH/MTB/12 dated 07.12.2012 in the application and also referred by the applicant in Para 6 of his rejoinder is clear that the Assistant Chief Medical Officer of Health, Mathabhanga, Cooch Behar had noted that such engagement was not against any sanctioned post. Thus, finding no merit in this application, it is disposed of without passing any orders.

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

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