

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 99 of 2023

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

Serial No. and
Date of order

For the Applicant : Mrs. M. Roy (Dey), Ld. Advocate.

For the State Respondents : Mr. G.P. Banerjee, Ld. Advocate.

04
23.07.2024

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 primary prayer in this application as emphasized by Mrs. Roy (Dey) is as under:-

“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.”

The applicant has stated in the application that he works as a Group-D staff under the Consumer Affairs Department. Such an engagement letter was issued to the applicant by the department on 10.03.2000 fixing also his pay at ₹ 2600/- p.m. from contingency fund. This engagement order also makes it clear “on whole time basis but not throughout the year””.

After hearing the submissions of the learned counsels and on examination of the records, it is clear to this Tribunal that the prayers of the applicant to treat them as whole-time regular employee and pay them salaries which are paid to a permanent Group-D staff are not backed by any law or any scheme of the Government. It is true and not in dispute that the applicant was engaged as a Group-D and his remuneration paid out of contingencies. This valid engagement letter was renewed time and again. However, such engagement does not give the applicant the benefit of being absorbed into permanent and regular establishment. The only reason presented by the applicant's side for such regularisation is that he has been performing his duties continuously and to the satisfaction of the employer since the day he was engaged. It is the observation of the Tribunal that an employee engaged on ad hoc basis does not have any vested right to a post. The mere fact for such appointment does not bestow any right to be regularised in the service.

Accordingly, this application is **disposed of** without passing any orders.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)