

**ORDER SHEET**

**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 997 of 2019**

**NISHI KANTA SIL - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and Date of order For the Applicant : Mr.Sourav Bhattacharjee  
Advocate

16  
19.04.2023 For the State respondents : Mrs. Sunita 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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order dated 11.11.2019 passed by the respondent No. 4. The impugned order was passed in terms of a direction by the Tribunal in OA-281 of 2018, in which, the prayer for enhancement of pay in terms of G.O. 9008-F(P) was considered and rejected. The rejection was made since the respondent realised that the appointment of the applicant was not against any sanctioned post, thus, he was not entitled to avail financial benefits under G.O. 9008-F(P).

Mr.S.Bhattacharjee, learned counsel for the applicant submits that the stipulation (ix) in which the engagement can be made only against sanctioned post is relevant only for contractual workers and not for casual workers. Moreover, the respondent had granted the benefit of G.O. 9008-F(P) to the applicant from time to time. Moreover, as per the order of the respondent dated 28.09.2016, pay and allowances were fixed for the applicant as per the G.O. 9008-F(P) and subsequently, 4011-F(P) and 1107-F(P). By this, it is evident that the applicant is a casual worker and eligible for all benefits under G.O. 9008-F(P) and

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subsequent notifications.

Mrs.S.Agarwal, learned counsel for the State respondent refers to the introductory para of G.O. 9008-F(P) in which both the casual, daily rated workers and contractual workers had been defined together who are entitled for the benefits of 9008-F(P) under this memo.

Part heard the learned counsels.

Let the matter appear under the heading "Further Hearing" on 20<sup>th</sup> April, 2023.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR