

**ORDER SHEET**  
**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-21 of 2024**

Mrityunjay Chakraborty. -- **VERSUS** – The State of West Bengal & Others.

Serial No. and  
Date of order

For the Applicant

: Mr. G. Halder,  
Learned counsel.

04  
19.06.2025

For the State Respondents  
(D.M., Murshidabad)

: Mr. G. P. Banerjee,  
Learned counsel.

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 prayer in this application is for setting aside the impugned order dated 27.02.2022 passed by the District Magistrate, Murshidabad. The prayer was related to enhance a monthly remuneration to the applicant working as a casual worker as per various memos issued by the Finance Department from time to time.

By this impugned order, District Magistrate, Murshidabad rejected the prayer of the applicant for enhanced remuneration as per prevailing Government orders. The main ground for such rejection was that the applicant was not engaged against any sanctioned post. The District Magistrate, Murshidabad had relied on Memorandum No. 9008-F(P) dated 16.09.2011. These orders were quoted by the applicant in this application for enhanced remuneration.

The contention of the applicant is that he has been working in the post of Group-‘D’ (Peon) on casual / daily rated / contractual basis since 1998 in the Office of the Sub-Divisional Officer, Jangipur, Murshidabad. According to him, having worked for such a long time, he is entitled to get the enhanced remuneration as stipulated in Memorandum No. 9008-F(P) dated 16.09.2011, 4011-F(P) dated 20.05.2013, 1107-F(P) dated 25.02.2016 and 1033-F(P2) dated 08.02.2019. Arguing that having worked for such a long time, he is entitled to get at least Rs. 19,000/- per month in terms of the notifications cited

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above. Presently, he says he is getting only Rs. 8,500/- per month.

Having examined the documents in this application, it has become clear to the Tribunal that the applicant, though working since 1998 was not engaged against any sanctioned post. In fact, the applicant himself at Para 10 of his application admits that he was not engaged against any vacant sanctioned post. The Government in the Finance Department had published the Memorandum No. 9008-F(P) dated 16.09.2011 with the object to extent welfare measures for those employees working on casual / daily rated / contractual basis. However, Clause 10 of this Notification excludes such worker who were not engaged against any sanctioned post. The wording spelt in this particular Clause is as under :-

*“The provisions of this Order will not be applicable where contractual engagement has been made without any sanctioned post and for any specific project”.*

From the above observations, it is clear that this applicant was not engaged against any sanctioned post and therefore, he was not entitled to receive benefits, like enhanced remuneration under this order. The District Magistrate, Murshidabad in his reasoned order was correct that the applicant, having not been engaged against any sanctioned post was not entitled to receive benefits under Memorandum No. 9008-F(P) dated 16.09.2011 and other follow-up Memorandums.

Having observed above and finding no merits in this application, it is disposed of without passing any orders.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.