

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No –

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
17 <hr/> 28.09.2018	<p>CCP – 31 of 2016 : Sukanta Pal & Ors. Vs Mr. Y.R. Rao, District Magistrate, Murshidabad.</p> <p>For the Applicants : Mr. M.N. Roy, Md. H. Ali, Mr. G. Halder, Learned Advocates.</p> <p>For the Contemnor OP : Mrs. M. Mallick, Learned Advocate.</p> <p>CCP – 33 of 2016 : Tridib Chakraborty & Ors. Vs Mr. Y.R. Rao, District Magistrate, Murshidabad.</p> <p>For the Applicants : Mr. M.N. Roy, Md. H. Ali, Mr. G. Halder, Learned Advocates.</p> <p>For the Contemnor OP : Mrs. M. Mallick, Learned Advocate.</p> <p>CCP – 40 of 2016 : Laxman Ghosh & Ors. Vs Mr. Y.R. Rao, District Magistrate, Murshidabad.</p> <p>For the Applicants : Mr. M.N. Roy, Md. H. Ali, Mr. G. Halder, Learned Advocates.</p> <p>For the Contemnor OP : Mr. S.K. Mndal, Learned Advocate.</p> <p style="text-align: center;">The applicants of all 3 (three) contempt applications have prayed for issuance of the contempt rule against the contemnor/respondent no. 5, the District Magistrate and</p>	

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Collector, Murshidabad for wilful violation of orders dated October 5, 2015 and December 8, 2015 passed by this Tribunal in OA-1009 of 2015 and other connected original applications.

Having heard Learned Counsel representing both parties and on consideration of the second compliance report submitted by the contemnor, we find that the contemnor has considered the claim of the applicants to get financial benefits in terms of Memorandum issued by the Finance Department, Audit Branch, Government of West Bengal. However, by passing a reasoned order on February 2, 2017, the contemnor has come to the conclusion that the applicants are not entitled to get financial benefits as claimed by them for not fulfilling terms and conditions laid down in Finance Department Memo. No. 9009-F(P) dated September 16, 2011. In view of the fact that the contemnor has considered the claim of the applicants and found the applicants not suitable for getting financial benefits in terms of Memorandum issued by Finance Department, Audit Branch, Government of West Bengal, we are of the view that the contemnor has complied with the direction given by the Tribunal. The natural corollary of our above observation is that the contemnor is not liable for wilful violation of order passed by the Tribunal and as such the present contempt application is liable to be dismissed.

On consideration of the materials on record, we find that

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the applicants have been working as daily rated/contractual/casual employees for prolonged period of time in different establishments of District Magistrate & Collector, Murshidabad. It has also come to our knowledge from the materials on record that the applicants have not been receiving financial benefits as daily rated/contractual/casual employees in terms of Memorandum No. 9008-F(P) dated September 16, 2011, Memorandum No. 4011-F(P) dated May 20, 2013 and Memorandum No. 1107-F(P) dated February 25, 2016 issued by the Finance Department, Audit Branch, Government of West Bengal as all the terms and conditions laid down in Finance Department Memorandum No. 9008-F(P) dated September 16, 2011 were not fulfilled. Since the applicants have been discharging their duty in different establishments under District Magistrate & Collector, Murshidabad, we hope and trust that the District Magistrate & Collector, Murshidabad will take necessary steps for moving before the appropriate Departmental Secretaries for fulfilment of the terms and conditions laid down in Memorandum No. 9008-F(P) dated September 16, 2011, so that the applicants may ultimately get all financial benefits for discharging their duty for prolonged period of time in terms of Memorandum No. 9008-F(P) dated September 16, 2011, Memorandum No. 4011-F(P) dated May 20, 2013 and Memorandum No. 1107-F(P) dated February 25, 2016 issued by the Finance Department, Audit Branch, Government of West Bengal. The applicants are at liberty to move the District

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Sanjib	<p>Magistrate & Collector, Murshidabad by filing appropriate application within a reasonable period of time.</p> <p style="text-align: center;">With the above observation, all these 3 (three) contempt applications stand disposed of.</p> <p>(S.K. DAS) MEMBER(A)</p> <p style="text-align: right;">(R. K. BAG) MEMBER (J)</p>	
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