

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – MA 161 OF 2019 arising out of OA 580 of 2019) and OA 580 OF 2019

Shyamal Kumar Roy vs The State of West Bengal & Ors.

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
<p style="text-align: center;">04</p> <hr/> <p>20.02.2020</p>	<p><i>For the Applicant : Mrs. P. Banerjee, Learned Advocate.</i></p> <p><i>For the State Respondents : None</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents for grant of minimum wages applicable to Group D employees of the Government.</i></p> <p style="text-align: center;"><i>It appears from the materials on record that the applicant previously approached this Tribunal by filling OA 297 of 2010 which was disposed of on October 08, 2010. The Tribunal directed the Commissioner of School Education, West Bengal for consideration of the case of the applicant for payment remuneration as casual employee. The reasoned order dated January 31, 2014 issued by the Commissioner of School Education, West Bengal indicates that the applicant was engaged as part time casual employee in the establishment of District Inspector of School (PE), Nadia on June 01, 1996. The initially monthly remuneration of the applicant was fixed at Rs. 215/- p.m., which was increased to Rs. 700/- p.m.in terms of the Government order dated July, 28, 1990. The said monthly remuneration of the applicant was increased</i></p>	

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Shyamal Kumar Roy

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **MA 161 OF 2019 arising out of OA 580 of 2019) and OA 580 OF 2019**

up to Rs. 2,000/- p.m. in terms of the order issued by the Government of West Bengal. The copy of the letter addressed to the Director of School Education, West Bengal by the applicant on July 06, 2018 (annexure 35 of the original application) indicates that the applicant has been receiving monthly remuneration @ Rs. 3,000/- p.m. w.e.f. January 01, 2018 as part time casual employee.

The applicant has prayed for condonation of delay of 914 days in approaching this Tribunal by filing original application.

None appears on behalf of the state respondents inspite of service of notice. Learned Counsel for the applicant submits that the applicant should be granted remuneration in terms of the Government orders applicable to Group D employee of the State Government. Nothing is on record to indicate that the applicant was appointed or engaged as full time casual employee in the establishment of the District Inspector of School (PE), Nadia. Nor has the applicant challenged the reasoned order passed by the Commissioner of School Education, West Bengal on January 31, 2014 in compliance with the direction given by this Tribunal in OA No. 297 of 2010. No memorandum/G.O. of the Finance Department, Government of West Bengal was brought to our notice by Learned Counsel for the applicant for payment of

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Form No.

Vs.

The State of West Bengal & Ors.

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enhanced monthly remuneration of a part time casual employee exceeding Rs. 3,000/- p.m. Since the applicant has already been receiving Rs. 3,000/- p.m. as part time casual employee in terms of Memo No. 728F(P2)/FA/O/2M/1 dated November 27, 2017 issued by the Finance Department, Audit Branch, Government of West Bengal, we are constrained to hold that the applicant is not entitled to get any relief in the present application, though the delay in filing the application is condoned of us.

In view of our above observation, the MA is allowed and the original application is dismissed.

**(S.K.DAS)
Member (A)**

**(R.K.BAG)
Member (J)**

H.S