

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Urmita Datta (Sen) Member (J) &
Hon'ble P. Ramesh Kumar, Member (A)

OA-879 OF 2014

Sandip Biswas 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><u>19</u> 30.11.2018</p>	<p>For the applicant : Mrs. Sonali Mitra, Learned Advocate.</p> <p>For the respondent : Mr. S.N. Roy, Learned Advocate.</p> <p>The instant application has been filed praying for following relief :-</p> <p>a) An order directing the respondents, their agents, subordinates and successors, to pass necessary order directing the respondents to absorb the petitioner on permanent basis forthwith.</p> <p>b) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the relief for hereinabove.</p> <p>c) To pass such other or further orders or orders as to the Hon'ble Tribunal may deem fit and proper.</p> <p>As per the applicant, he was appointed as Part time Sweeper-cum-Water Carrier at the office of</p>	

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<p style="text-align: center;">19 30.11.2018</p> <p>Page /2</p>	<p>Deputy Excise Commissioner, Basirhat w.e.f. 01.06.2000 on a monthly remuneration of Rs. 200/-, subsequently his remuneration has been enhanced to Rs. 2000/-. However, as per the applicant, since he is working for a considerable period of time, he has prayed for a direction to absorb him on permanent basis.</p> <p style="text-align: center;">The respondents have filed their reply and have submitted that the applicant has been working as a Part time Sweeper-cum-Water Carrier in terms of Finance Deptt. (Audit Branch) Memorandum No. 8662-F dated 07.09.2000. Since he is not a casual/daily rated/contractual worker and, therefore, is not entitled to get the benefit granted under Finance Deptt, (Audit Branch) Memo No. 9008 F (P) dated 16.09.2011. Therefore, he has prayed for dismissal of the original application.</p> <p style="text-align: center;">During the course of hearing, the counsel for the applicant has submitted that as the applicant is getting fixed remuneration of Rupees 2,000/- (Rupees Two thousand) only in terms of Finance Deptt.'s</p>	

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<p style="text-align: center;">19</p> <hr/> <p style="text-align: center;">30.11.2018</p> <p style="text-align: center;">SC</p>	<p>Notification dated 07.09.2009 and presently it has been enhanced to the tune of Rs. 3,000/- (Rupees three thousand). However, the counsel for the respondent has submitted that the applicant is already getting 3,000/- per month. Therefore, no purpose will be served for making representation before the authority.</p> <p style="text-align: center;">Heard both the parties and perused the records. It is noted that admittedly the applicant was appointed as Part time Sweeper-cum-Water Carrier and is getting fixed pay of Rs. 2,000/- (Rupees two thousand) only and subsequently enhanced to Rs. 3,000/- vide order dated 07.09.2009. Therefore, the applicant not being a casual/daily rated worker and not covered by Finance Deptt. Notification No 9008-F (P) dated 16.09.2011.</p> <p style="text-align: center;">In view of the above, we do not find any merit. The application is dismissed with no order as to costs.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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