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	$\underline{\mathrm{Vs}}$	The State of West Bengal & Ors.
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	Sandip biswas <u>vs</u> The State of West beinga	1
Serial No. and	Order of the Tribunal with signature	Office action with date
Date of order.	2	and dated signature
1		of parties when necessary 3
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19	For the applicant : Mrs. Sonali Mitra,	
30.11.2018	Learned Advocate.	
	For the respondent : Mr. S.N. Roy,	
	Learned Advocate.	
	The instant application has been filed	
	praying for following relief :-	
	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.	
	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.	
	granting the relief for hereinabove.	
	c) To pass such other or further orders or	
	orders as to the Hon'ble Tribunal may	
	deem fit and proper.	
	As per the applicant, he was appointed	
Page /1	as Part time Sweeper-cum-Water Carrier at the office of	

Form No. Sandip Biswas

Vs.
The State of West Bengal & Ors.

Serial No. and Date of order. 1 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. 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) Memorundum 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. 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 Page /2 Two thousand) only in terms of Finance Deptt.'s			
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Form No. Sandip Biswas

Vs.
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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
19	Notification dated 07.09.2009 and presently it has been	
30.11.2018	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.	
	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.	
	In view of the above, we do not find any	
	merit. The application is dismissed with no order as to	
	costs.	
sc	P. RAMESH KUMAR URMITA DATTA (SEN) MEMBER(A) MEMBER (J)	

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The State of West Bengal & Ors.

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Serial No. and	Order of the Tribunal with signature	Office action with date
Date of order.	2	and dated signature of parties when necessary
1		3
Page /3		
rage /3		
10		
14.09.2018		
P/4		

Form No. Sandip Biswas

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Form No. Sandip Biswas

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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/5		
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10		
14.09.2018		

Form No. Sandip Biswas

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1		of parties when necessary 3
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