

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 948 of 2016**

Giridhari Mondal

Versus

The State of West Bengal & Others. .

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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07
30/08/2018

For the Applicant : *Mr. M. Karim,*
Mr. A. K. Paul,,
Learned Advocates.

For the State Respondents : *N O N E.*

The applicant has prayed for quashing of the order passed by the Principal Secretary to the Government of West Bengal, Department of Health and Family Welfare and communicated to the applicant under letter dated May 10, 2016 and direction upon the respondents to give financial benefits to the applicant in terms of the Memo No. 4011-F(P) dated May 20, 2013 issued by the Department of Finance, Audit Branch, Government of West Bengal.

The contention of the applicant is that the applicant was engaged as daily rated Group D employee in the establishment of the respondent no.5, the Block Medical Officer of Health, Chakmondala, District Birbhum on December 9, 2006. The further contention of the applicant is that he has been working more than 240 days in a calendar year from the date of engagement on December 9, 2006 till date. The applicant previously moved the Tribunal by filing OA 715 of 2014 praying

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	<p><i>for financial benefits in terms of G.O. No. 4011-F(P) dated May 20, 2013 issued by the Finance Department, Audit Branch, Government of West Bengal. The said original application was disposed of by the Tribunal on November 11, 2014 by giving direction to the respondent no. 2 to consider the representation of the applicant for deciding entitlement of the applicant to get financial benefit in terms of Memorandum dated September 16, 2011 and Memorandum dated May 20, 2013 issued by the Finance Department, Audit Branch, Government of West Bengal. The respondent no.2 considered the representation of the applicant and passed the reasoned order which is now challenged in the present application.</i></p> <p><i>None appears on behalf of the state respondents in spite of service of notice as reflected from the affidavit of service filed on behalf of the applicant.</i></p> <p><i>Mr. Karim, Learned Counsel for the applicant contents that the respondent no. 5, Block Medical Officer of Health, Chakmondala, District Birbhum has given a statement on December 16, 2013 indicating the fact that the applicant worked for more than 240 days in calendar year as daily rated Group D employee from December 9, 2006. The said fact has</i></p>	

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	<p><i>not been considered by the respondent no. 2 at the time of passing the reasoned order. He further submits that financial benefit is not given to the applicant by the respondent no.2 mainly on the ground that the applicant did not work for more than 240 days in a calendar year at a stretch from the date of his engagement till the date of consideration of the representation of the applicant. Since it appears from the statement given by the respondent no.5 on December 16, 2013 that the applicant had worked for more than 240 days in a calendar year from the date of his engagement as daily rated Group D employee on December 9, 2006 till the date of giving the statement on December 16, 2013, we are of the view that the reasoned order passed by the respondent no. 2 is not justified under the law.</i></p> <p><i>Accordingly, the reasoned order passed by the respondent no. 2 and communicated by the Joint Director (Personnel), Directorate of Health Services, West Bengal to the applicant on May 10, 2016 is quashed.</i></p> <p><i>The respondent no. 2, the Additional Chief Secretary to the Government of West Bengal, Department of Health & Family Welfare is directed to consider the entitlement of the applicant to get financial benefit in terms of Memorandum No. 9008-</i></p>	

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	<p><i>F(P) dated September 16, 2011 (particularly paragraph (iv)) issued by the Special Secretary to the Government of West Bengal , Department of Finance, Audit Branch and Memorandum No. 4011-F(P) dated May 29, 2013 issued by the Joint Secretary to the Government of West Bengal, Department of Finance, Audit Branch, by passing a reasoned order within a period of twelve weeks from the date of communication of the order and to intimate the result of the same to the applicant within a period of two weeks thereafter.</i></p> <p><i>With the above directions the original application is disposed of.</i></p> <p><i>The applicant is directed to serve copy of this order along with copy of the original application and its annexures on the respondent no.2 within a period of two weeks from this date.</i></p> <p><i>Let a plain copy of the order be supplied to the applicant free of cost.</i></p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

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