

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No OA -766 of 2016****Abdul Azad –Vs- The State of West Bengal & Others.**

| 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 |
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| <p style="text-align: center;"><u>10</u> 02.08.2019</p> | <p><i>For the Applicant : Mr. M. Jana, Mr. A. Sinha, Advocates.</i></p> <p><i>For the Contemnors O.P.(s) : Mr. A.L. Basu, Advocate.</i></p> <p><i>The instant application has been filed praying for following relief:</i></p> <p><i>“a) An order directing the respondents nos. (ii), (iii) and iv to regularize the casual service of the landless, very poor, BPL Card holder and physically handicapped regular working Sweeper-cum-water carrier/supplier/Applicant in the said Block Animal Health Centre under Manbazar Block - 1at Chapua and to release and pay the salary with immediate effect to the tune of payable to the regular Group ‘D’ Staff of the government of West Bengal and to pay @ Rs. 60/- per month as lastly paid remuneration / salary, kept and left unpaid since the month of March, 2014 onwards, considering the performance and role in maintaining the said Health sub-</i></p> | |

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| | <p><i>Centre even in the absence of the Doctor (Respondent No. iv) most of the days in every month.</i></p> <p><i>b) An order directing the respondents concerned, their subordinate, men and/or agents to certify and/or produce all the relevant records of the case before the Hon'ble Tribunal, so that conscionable justice may be done.</i></p> <p><i>c) Pass such other or further order or orders which the Hon'ble Tribunal may deem fit and proper;"</i></p> <p><i>As per the applicant, he was engaged as Water Carrier – cum-sweeper on daily rate basis in the year 1990 by the Office of the Deputy Director, Animal Resources Development & Parishad Officer, Purulia. However, the applicant had approached the Tribunal earlier praying for appropriate remuneration as per the Govt. Circular and subsequently the Deputy Director, Animal Resources Development and Parishad Officer, Purulia had enhanced his remuneration up to Rs. 500/- as per the Finance Department order dated 07.09.2009 and 20.05.2009 thereafter continuing such remuneration till date. However,</i></p> | |

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| | <p><i>now he has prayed for regularisation of Group 'D' post with all facilities and salary.</i></p> <p><i>Respondents have filed their representation. As per the respondents, the applicant never served under the Department of Directorate. However he was engaged as Water carrier and Cleaner on contingent charge basis under the Deputy Director, Animal Resources Development and Parishad Officer, Purulia. Therefore, he cannot claim for any absorption or regularisation as Group 'D' as he had to work for certain few hours.</i></p> <p><i>We have heard the parties and perused the records. It is noted that the applicant has prayed for regularisation for the post of Group 'D' staff. It is admitted fact that he was engaged for Sweeping and Water Supplier for few hours as contingent menial under the Deputy Director, Animal Resources Development and Parishad Officer, Purulia. Even the applicant is not working as casual labour under the Directorate which is evident from his Attendance Register as claimed by the applicant. Therefore, as per settled principle as held by the Hon'ble Apex Court in the case of Uma Devi, such type of engagement cannot be regularised against any Group 'D' post since engagement was not as</i></p> | |

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| A.K.P. | <p><i>per proper procedure or against any vacant post of Group 'D' rather he is working for few hours for supplying of water and cleaning of the premises. Therefore, we do not find any reason to entertain the application. Accordingly, the application is dismissed being devoid of merit.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p> | |