

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble JUSTICE RANJIT KUMAR BAG  
& The Hon'ble DR. SUBESH KUMAR DAS**

**Case No – OA 144 OF 2018**

*Jnan Prokash Biswas & Others* 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;">10</p> <hr/> <p>03.10.2018</p>	<p><i>For the Applicants : Mr. G.P. Banerjee, Mrs. S. Agarwal, Learned Advocates.</i></p> <p><i>For the State Respondents : Mr. S. Ghosh, Learned Advocate.</i></p> <p><i>19 (Nineteen) applicants claim to have been engaged as Security Personnel in various establishments under Directorate of Textiles (Sericulture), Government of West Bengal with effect from different dates during the period from 2009 to 2017. The grievance of the applicants is that they have not been paid salary as recommended by Director General, Resettlement, New Delhi. The further grievance of the applicants is that the respondent no. 2, Commissioner of Textiles and Sericulture, West Bengal has issued one letter dated December 26, 2017 for discontinuation of engagement of Security Personnel at the prevailing wage rate with effect from March 31, 2018 and thereby the applicants apprehend that their engagement as Security Personnel may be discontinued with effect from march 31, 2018. The contention of the applicants is that they have been discharging their duty as Security Personnel after March</i></p>	

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*31, 2018, but salary has not been disbursed in their favour. The applicants have prayed for an interim order restraining the respondents from giving effect to the said impugned letter dated December 26, 2017 till the final disposal of the original application.*

*Mr. G.P. Banerjee, Learned Counsel for the applicants has produced a copy of order dated July 04, 2018 passed by this Tribunal in OA 145 of 2018 and other connected matters (Partha Pratim Banerjee & others V. State of West Bengal & others) and submitted that the present applicants are similarly circumstanced with the applicants of OA 145 of 2018 and other connected original applications. Mr. Banerjee further submits that the applicants should be protected by an interim order in the nature of the interim order already passed in OA 145 of 2018 and other connected matters.*

*Mr. Ghosh, Learned Counsel representing the state respondents has raised the issue of maintainability of the present applicants on the ground that the present applicants are contractual employees and they have been engaged through Zilla Sainik Board. Mr. Banerjee, Learned Counsel for the applicants contends that the applicants have been receiving salary directly from the State Exchequer, though they were initially engaged through Zilla Sainik Board.*

*Having heard Learned Counsel representing both*

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*parties and on consideration of the fact that the applicants have been receiving salary directly from the State of West Bengal, we are of the view that this Tribunal has jurisdiction to entertain the present application.*

*In view of the above submissions from the Bar, the respondent are restrained by an interim order from engaging Security Personnel in different establishment of Directorate of Textiles (Sericulture), Government of West Bengal on the same terms and conditions as the present nineteen (19) applicants were engaged from any source after discontinuance of the engagement of the applicants as Security Personnel till the final decision of the original application.*

*The respondents are directed to file reply within a period of four weeks and rejoinder, if any, may be filed by the applicants within a period of two weeks thereafter.*

*List the matter under the heading “Reply/rejoinder” on 07.02.2019.*

*Liberty is given to file supplementary application annexing copy of documents to establish that the applicants have been working after March 31, 2018 before the next date of hearing.*

( S.K.DAS)  
Member ( A)

( R.K.BAG)  
Member (J)

H.S

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