

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Urmita Datta (Sen)****Case No – OA-174 of 2018****Sonaram Mahato & Ors.****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
<p><u>01</u> 24.04.2018</p> <p>Page /1</p>	<p>For the petitioner : Mr. Kashiswar Ghosal, Learned Advocate.</p> <p>For the respondents : Mr. Ruma Sarkar, Mr. Aniruddha Dey, Departmental Representatives</p> <p>Affidavit of service is filed. Let it be kept with the record.</p> <p>The instant application has been filed praying for a direction upon the respondents particularly Respondent No. 3 to release the arrear remuneration of the applicant in terms of the order dated 22.12.2011 passed by the Special Bench of the West Bengal Administrative Tribunal, Kolkata with effect from 1999 in OA-172 of 2010. As per the applicants, they were engaged as Sweeper cum Water Carrier from different year since 1999 onwards and still working in the department. According to the counsel for the applicant, the applicants are entitled to get the benefit of the Finance Department Memo dated 07.09.2009 read with judgement dated 22.12.2011 passed in OA-172 of 2010. The applicants have also made representation before the</p>	

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<p>01</p> <hr/> <p>24.04.2018</p>	<p>authority but without any benefit. Being aggrieved they have filed this instant application.</p> <p>The departmental representatives of the Land and Land Reforms Department have submitted that though the issue is settled, however, before considering the claim of the applicants, they have to verify their entitlement as per the circular as well as the judgement passed by this Tribunal.</p> <p>During the course of hearing the counsel for the applicant has submitted that it would suffice his purpose if their applications will be disposed of by the respondent no. 3 considering the OA as a part of it and to extend the benefit as claimed by them within a stipulated period of time. The respondents have no objection to the proposal but subject to verification of the entitlement.</p> <p>In view of the above, the respondent no. 3 is directed to consider the representations of the applicants treating the OA as a part of it and pass a reasoned and speaking order in the light of the circular of</p>	

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<div data-bbox="129 560 344 631"> 01  <hr/> 24.04.2018 </div> <div data-bbox="201 1877 229 1908">sc</div>	<div data-bbox="365 497 1195 1238"> <p>the Finance Department dated 07.09.2009 and the judgement dated 22.11.2011 passed in OA-172 of 2010 after verifying the entitlement of the applicants and if the applicants would be found eligible for extension of the benefit, the said benefit should be extended to them within a period of four months from the date of receipt of the order. However, if the applicants have been found not eligible, in that case also, the respondents have to communicate the reason by passing a speaking and reasoned order within a period of four months thereafter. Accordingly, the OA is disposed with the above observation and direction.</p> </div> <div data-bbox="459 1413 673 1478"> DR. A.K. CHANDA  MEMBER (A) </div> <div data-bbox="858 1413 1102 1478"> URMITA DATTA (SEN)  MEMBER (J) </div>	

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