

**IN THE WEST BENGAL ADMINISTRATIVE TRIBUNAL
BIKASH BHAVAN, SALT LAKE CITY
K O L K A T A – 7 0 0 0 9 1**

Present :-

**The Hon'ble Mrs. Urmita Datta (Sen)
MEMBER (J)**

-AND-

**The Hon'ble Mr. P. Ramesh Kumar
MEMBER (A)**

J U D G E M E N T

-of-

Case No. OA-179 of 2016(MA-35 of 2019)

Ram Senapati & Others.....Applicant.

-Versus-

State of West Bengal & others....Respondents

For the Applicants

**:- Mr. Subhabrata Choudhury,
Mrs. Tripti Panday,
Learned Advocates.**

For the State Respondents

**:- Mr. Sankha Ghosh,
Learned Advocate**

Judgement delivered on :

19-07-2019

**The Judgement of the Tribunal was delivered by :-
Hon'ble Mrs. Urmita Datta (Sen), Member(J)**

J U D G E M E N T

1. The instant application has been filed praying for the following reliefs :
 - a) **An order directing the respondents, their agents, subordinates and successors specifically the respondent no. 4 to cancel and/or set aside the impugned memo being No. 2152/15 dated 09-11-2015 issued by the Divisional Forest Officer, Medinipure Division forthwith;**
 - b) **An order directing the respondents, their agents, subordinates and successors to regularize the service of the applicants as per the Finance Department Notification Nos. 9008-F(P) dated 16-09-2011 and 4011-F(P) dated 25-05-2013 forthwith;**
 - c) **An order directing the respondents, their agents, subordinates and successors to produce all records so that conscionable justice may be administered by granting the relief herein above;**
 - d) **An order directing the respondents, their agents, subordinates and successors for payment of costs to the applicant for compelling them to proceed towards the litigation owing to the fault of the respondents;**
 - e) **And/or to pass such further order or orders as to the Hon'ble Tribunal may deem fit and proper.**
 - f) **Leave may be granted to move this application jointly.**

2. As per the applicants, they were engaged as Casual Daily Labour under the respondents and had worked for more than 10 years with at least 240 days and above in a year(Annexure-A). In the mean time, the Divisional Manager, Midnapur vide his Memo dated 12-11-2013 directed all the Range Officer to send the name and particulars of all the Casual Labours who had worked more than 10 years (Annexure-B). However the names of the applicants were not forwarded. The applicants approach this Tribunal in OA-1092 of 2014 praying for a direction upon the respondents to extend the benefit of Notification Nos. 9008-F(P) dated 16-09-2011 and 4011-F(P) dated 25-05-2013. However this Tribunal vide their order dated 13-08-2015 directed the respondent no. 4 to take a decision with respect to the presentation made by the applicants and communicate the same (Annexure-F). Subsequently the respondents vide their impugned order dated 09-11-2015 rejected the claim of the applicants (Annexure-J). Being aggrieved with, the applicants are filed the instant application.

As per the applicants they had submitted all the certificates and other documents issued by the authority in support of their contention that they had worked more than 10 years with 240 days and above for each year. However the respondents without considering the same had rejected the claim of the applicants.

3. The respondents have filed their reply and have submitted that after verification of all the documents except with regard to one person all other documents are found to be fake and forged one. Therefore, the claims of

the applicants were rejected. Thus the Counsel for the respondents has prayed for rejection of the OA. No rejoinder has been filed. However one MA has been filed by the applicants praying for a direction to the respondent authorities to allow the applicants to work.

4. We have heard both the parties and perused the records. It is noted that as per the applicants, they had worked for 240 days in each year for more than 10 years continuously and in support of their contentions they have enclosed certain documents claiming to be issued by the Range Officer, Midnapur Range. However, from the perusal of the said documents, it is noted that the documents are not issued by the Range Officer rather received by the Range Officer only which obviously cannot be accepted as working certificate issued by the respondent authorities. Moreover, the respondents who are the custodian of all those records after verifying the said, have categorically denied the authenticity of those certificates. Therefore the basic claim of the applicants for continuous service is not at all acceptable and we do not find any reason to interfere with the decision of the respondents, who are the fact findings authorities.
5. Accordingly, the OA is dismissed being devoid of merit with no order as to cost.

P. RAMESH KUMAR
MEMBER (A)

URMITA DATTA(SEN)
MEMBER(J)

