

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

Present.-

The Hon'ble Justice Ranjit Kumar Bag

&

The Hon'ble Dr. Subesh Kumar Das

**Case No. OA 213 of 2019**

Heman Das Bairagya

Versus

The State of West Bengal & Ors.

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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05  
12/09/2019

**For the Applicant**

: Mrs. S. Agarwal,  
Ld. Advocate.

**For the State Respondent :**

Mr. R.A. Chowdhury,  
Ld. Advocate.

Supplementary Application filed on behalf of the applicant today is kept on record.

The applicant has prayed for direction upon the respondents for grant of remuneration as casual employee in terms of memorandum dated April 23, 2010 read with G.O. No. 11794-F (P) dated December 22, 2010 as well as in terms of memorandum no. 9008-F (P) dated September 16, 2011 and subsequent memorandum dated February 25, 2016 issued by the Finance Department, Audit Branch, Government of West Bengal.

The contention of the applicant is that he was engaged as casual employee in the establishment of the respondent no. 5, Sub-Divisional Controller (Food and Supplies), Rampurhat, District - Birbhum in the month of March, 1998. The further contention of the applicant is that he has been paid fixed remuneration of ₹ 1000/- per month for discharging his duty. The grievance of the applicant is that he has not been paid remuneration in terms of memorandum no. 9008-F (P)

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	<p>dated September 16, 2011 and subsequent memorandums issued in this regard by the Finance Department, Audit Branch, Government of West Bengal.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we are not in a position to decide whether the applicant is entitled to get remuneration as part time casual employee in terms of memorandum dated November 27, 2017 or as full time casual employee in terms of memorandum no. 9008-F (P) dated September 16, 2011 and subsequent memorandums issued in this regard by the Finance Department, Audit Branch, Government of West Bengal. In the absence of sufficient materials before us, we are of the view that the respondent no. 3 should take a decision on verification of records whether the applicant is entitled to get remuneration as part time casual employee or as full time casual employee.</p> <p>In view of our above observation, we direct the respondent no. 3, Director of District Distribution, Procurement &amp; Supply, Department of Food and Supplies to consider whether the applicant is entitled to get remuneration as part time casual employee in terms of memorandum no. 3727-F dated May 20,</p>	

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	<p>2009 being modified by memorandum no. 728F(P<sub>2</sub>)/FA/O/2M-1 dated November 27, 2017 issued by the Finance Department, Audit Branch, Government of West Bengal or as full time casual employee in terms of memorandum no. 9008-F(P) dated September 16, 2011 and subsequent memorandums issued in this regard by the Finance Department, Audit Branch, Government of West Bengal on verification of records within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action within a period of 08 (eight) weeks thereafter. With the above direction, the original application stands <b>disposed of</b>.</p> <p>Let a <b>Plain Copy</b> of the order be supplied to both parties.</p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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