

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. OA 225 of 2016

Lalu Hazra & Ors.

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.

1

2

3

07
14/01/2020

For the Applicants : Mr. M.N. Roy,
Ld. Advocate.
For the State Respondent : Mr. R.A. Chowdhury,
Ld. Advocate.

Liberty is given to the applicants to delete the name of the respondent no. 3 and to incorporate the name of Principal Secretary to the Government of West Bengal, Department of Panchayat & Rural Development by way of amendment of cause-title of the original application in course of this day.

The applicants have prayed for direction upon the respondents for payment of enhanced monthly remuneration as casual employee in terms of Memorandum No. 4011-F(P) dated May 22, 2013 and subsequent memorandums issued in this regard by the Finance Department, Audit Branch, Government of West Bengal.

The contention of the applicants is that the applicant no. 1 and 2 were engaged in the month of April 1990 and the applicant no. 3 was engaged in the month of June 1998 as casual employee by the Block Development Officer, Nabagram, Murshidabad. The applicant no 1 & 2 were engaged as Sweeper and the applicant No. 3 was engaged as Water Carrier and

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	<p>they have been engaged for a period of 248 days in a calendar year on payment of monthly remuneration @ ₹ 2000/- per month. The grievance of the applicants is that they have not been paid remuneration in terms of Finance Department memorandums issued for payment of monthly remuneration to the casual employees.</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 applicants are entitled to get remuneration as part time casual employees in terms of Memorandum No. 7284-F(P₂)/FA/O/2M-1 dated November 27, 2017 issued by the Principal Secretary to the Government of West Bengal, Department of Finance, or as full time casual employees 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. 1 should take a decision on verification of records whether the applicants are entitled to get remuneration as part time casual employees or as full time casual employees.</p>	

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	<p>As a result of our above observations, we direct the respondent no. 3, Principal Secretary to the Government of West Bengal, Department of Panchayat and Rural Development to consider whether the applicants are entitled to get remuneration as part time casual employees in terms of memorandum dated November 27, 2017 or as full time casual employees in terms of memorandum dated September 16, 2011.</p> <p>In view of our above findings, we direct the respondent no. 3, Principal Secretary to the Government of West Bengal, Department of Panchayat & Rural Development to consider whether the applicants are entitled to get remuneration as part time casual employee in terms of Memorandum No. 7284-F(P₂)/FA/O/2M-1 dated November 27, 2017 issued by the Principal Secretary to the Government of West Bengal, Department of Finance, 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, if any, within a period of 08 (eight) weeks thereafter. With the</p>	

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Csm	<p>above direction, the original application stands disposed of.</p> <p>Let a Plain Copy of the order be supplied to both parties.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	