

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

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

Case No. **OA-461 of 2018**

Abani Mallick & 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  <u>04</u> 11/04/2019	<p style="text-align: center;">2</p> <p><b>For the Applicant</b> : Mr. A.S. Biswas, Ld. Advocate.</p> <p><b>For the State Respondent :</b> Mr. S. Bhattacharya, Depttl. Representative.</p> <p>The applicants have prayed for direction upon the respondents for enhancement of remuneration of the applicants for performance of duty as Sweeper-cum-Water Carrier in different establishments of the District Land &amp; Land Reforms Officer, Raiganj in the district of Uttar Dinajpur.</p> <p>It appears from the materials on record that 39 applicants were engaged as Sweeper-cum-Water Carrier in different establishments of District Land &amp; Land Reforms Officer of Uttar Dinajpur. The contention of the applicants is that they have been receiving monthly remuneration @ ₹ 2000/- initially and thereafter @ ₹ 3000/- p.m. w.e.f. January 01, 2018. Learned Counsel representing the applicants contends that the applicants have been performing full time duty as Sweeper-cum-Water Carrier and as such they are entitled to get remuneration in terms of Memorandum 9008-F(P)dated September 16, 2011 and subsequent memorandums issued from time to</p>	<p style="text-align: center;">3</p>

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	<p>time by the Finance Department, Audit Branch, Government of West Bengal. On the other hand, the Departmental Representative of the state respondents contends that the applicants have been performing part time duty as Sweeper-cum-Water Carrier and as such they are entitled to get ₹ 3000/- p.m. in terms of memorandum dated November 27, 2017 issued by the Finance Department, Audit Branch, Government of West Bengal. He further submits that this issue has already been decided by the Finance Department in terms of letter sent by District Land &amp; Land Reforms Officer, Uttar Dinajpur at Raiganj.</p> <p>Having heard Learned Counsel representing the applicant and the Departmental Representative of the state respondents and on consideration of the materials on record, we find that the applicants were engaged as Sweeper-cum-Water Carrier and as such they are entitled to get monthly remuneration @ ₹ 3000/- w.e.f. January 01, 2018 in terms of Memorandum No. 7284-F(P<sub>2</sub>)/FA/O/2M-1 dated November 27, 2017 issued by the Finance Department, Audit Branch, Government of West Bengal. Since the applicants were not engaged as full time casual/daily rated/contractual employees in any establishment of the Government of West Bengal with</p>	

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Csm	<p>prior approval of the Departmental Secretary and since the applicants have been performing part time duty of Karmabandhu (Sweeper-cum-Water Career), we can safely hold that the applicants are not entitled to get remuneration in terms of Memorandum No. 9008-F(P) dated September 16, 2011 and other memorandus issued from time to time by the Finance Department, Audit Branch, Government of West Bengal as contended on behalf of the applicants.</p> <p>In view of our above findings, we do not find any merit in the present application. As a result, the original application is <b>dismissed</b>.</p> <p style="text-align: center;"><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	