

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 557 OF 2018

Surajit Mondal vs **The State of West Bengal & Ors.**

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 style="text-align: center;">01</p> <hr/> <p>06.12.2018</p>	<p><i>For the Applicant : Mr. G.P. Banerjee, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. S. Ghosh, Learned Advocate.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents for payment of remuneration in terms of Government orders issued by the Finance Department, Audit Branch, Government of West Bengal on cancellation of the reasoned order communicated to the applicant by the respondent no. 2 on June 07, 2018.</i></p> <p style="text-align: center;"><i>It appears from the materials on record that the applicant has been working as daily rated casual employee in the establishment of District Horticulture Officer, Mushidabad. The reasoned order passed by the respondent no. 2 on June 07, 2018 in compliance with the direction given by this Tribunal on December 07, 2017 in OA 78 of 2016 indicates that financial benefit for enhancement of remuneration was denied to the applicant in terms of Finance Department Memorandum No. 9008-F(P) dated September 16, 2011 on two grounds : first, the applicant was engaged on contractual basis without existence of any sanctioned post and, secondly, the</i></p>	

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applicant was not engaged for any particular project. The reasons assigned by the respondent no. 2 for turning down the for prayer of the applicant are not relevant for determination of the issue whether the applicant is entitled to get the remuneration as daily rated casual employee in terms of Memorandum No. 9008-F(P) dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal. The said Memorandum is applicable to daily rated casual employees and others as enumerated in the same Memorandum dated September 16, 2011. Since the applicant has been working as daily rated casual employee, the respondent no. 2 should have been considered the claim of the applicant in terms of the said G.O. dated September 16, 2011, but the consideration was not done in terms of Memorandum dated September 16, 2011. Accordingly, the impugned order communicated under letter dated June 07, 2018 by the respondent no. 2 is set aside.

In view of our above observation, we direct the respondent no. 1, the Director, Directorate of Horticulture, Government of West Bengal to consider the entitlement of the applicant to get remuneration as daily rated casual employee in terms of Memorandum No. 9008-F(P) dated September 16, 2011 and other Memorandums issued from time to time by the Finance

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Department, Audit Branch, Government of West Bengal within a period of 12 (twelve) weeks from the date of communication of the order and to take necessary follow up action, if any, after giving an intimation to the applicant within a period of 4 (four) weeks thereafter.

With the above direction, the original application stands disposed of.

Let a plain copy of the order be supplied to both parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S

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