

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

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

Case No. **OA - 594 of 2016**

*Bijoy Kumar Das*

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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06/02/2019

***For the Applicant***

***: Mr. S.K. Nandi,  
Ld. Advocate.***

***For the State Respondent :***

***Mr. B.P. Roy,  
Mr. G.P. Banerjee,  
Mr. S. Roy Chowdhury,  
Ld. Advocates.***

*Liberty is given to the applicant for amendment of  
prayer 7 (i) in course of this day.*

*The applicant has prayed for direction upon the  
respondents for disbursement of salary of the applicant  
from the month of April 2013 onwards and other  
ancillary reliefs.*

*It appears from the materials on record that the  
applicant was engaged as whole time sweeper at Police  
Hospital, Shibpur Police Line, Howrah temporarily for a  
period of 3 (three) months w.e.f. August 01, 1997 by the  
Superintendent of Police, Howrah. The Commissioner of  
Police, Howrah sent a proposal to the Home  
Department, Government of West Bengal on June 13,  
2014 for retention of three whole time temporary  
Sweeper including the present applicant. Several  
representations have been made by the Commissioner  
of Police, Howrah for administrative approval of three  
whole time Sweepers including the present applicant,  
but ultimately approval was not given for retention of*

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	<p><i>the applicant as whole time Sweeper, resulting in stoppage of remuneration of the w.e.f. April 2013. The contention of the applicant is that he has been working as Sweeper till date even after stoppage of remuneration from the month of April 2013. On the other hand, the contention of the state respondents is that the applicant has stopped working as Sweeper w.e.f. the month of April 2013.</i></p> <p><i>Having heard Learned Counsel representing both parties and on consideration of the reply submitted by the respondent no. 5, we find that the Home Department, Government of West Bengal has ultimately turned down the proposal for absorption of the applicant in regular post on the basis of views expressed by the Finance Department, Audit Branch, Government of West Bengal on July 30, 2014. However, it appears from the said reply of the respondent no. 5 that the Finance Department had already observed that the case of the applicant may be moved for giving benefit of Memorandum No. 9008-F(P) dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal, subject to fulfilment of terms and conditions laid down in the said Memorandum. On scrutiny of the materials on record, we find that the respondents have not yet considered whether the applicant is entitled to get the</i></p>	

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	<p><i>benefit of Finance Department Memorandum No. 9008-F(P) dated September 16, 2011.</i></p> <p><i>In view of our above observation, we would like to hold that the respondent no. 1 should consider whether the applicant is entitled to get benefit of memorandum no. 9008-F(P) dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal. Accordingly, the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Home (Police) is directed to consider whether the applicant is entitled to get benefit of Memorandum No. 9008-F(P) dated September 16, 2011, particularly paragraph xiv of the said memo dated September 16, 2011 by passing a reasoned order within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action, if necessary, within a period of 8 (eight) weeks thereafter. With the above direction, the original application stands <b>disposed of</b>.</i></p> <p><i>Let a <b>Plain Copy</b> of the order be supplied to both parties.</i></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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