

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal.  
& The Hon'ble Mr. P. Ramesh Kumar .

Case No. OA 619 of 2017.

**ANANDA MOY GOPE & ORS – 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>07</p> <hr/> <p>02.08.2018.</p>	<p>For the Applicant : Mrs. S. Agarwal, Advocate.</p> <p>For the State Respondent : Mr. R.A. Chowdhury, Advocate.</p> <p>Though the matter has appeared under the heading “Reply/Rejoinder and Objection”, by consent of Mrs. Agarwal, learned advocate for the applicant and Mr. R.A. Chowdhury, learned advocate for the State Respondent , the matter is taken up for hearing.</p> <p>In this application, the applicants who were working as labourers in Nursery and Plantation maintenance under the Divisional Forest Officer, Durgapur, Burdwan Division have challenged the order dated 28<sup>th</sup> March, 2017 passed by the Divisional Forest Officer, Burdwan Division, the Respondent No. 3 on various grounds, which was passed pursuant to the direction of the Tribunal in OA 476 of 2016 on 16<sup>th</sup> February, 2017 after giving an opportunity of hearing. It is submitted by Mrs. S. Agarwal that as the applicants were engaged in different types of plantation from 1993 to July, 2015 and they have worked continuously for ten years with at least 240 days attendance in each year , appropriate direction may be issued upon the</p>	

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	<p>Respondents to give them regular appointment under the State of West Bengal. On a query, it is submitted that the applicants who are labourers had worked not against any sanctioned post. Submission is since the applicants belong to the lower strata of society, their case may be directed to be considered sympathetically.</p> <p>Mr. R.A. Chowdhury, learned advocate for the State Respondents submits that since the applicants were engaged as labourers on casual basis for seasonal works such as nursery and plantation maintenance and as there are no sanctioned posts, the applicants may not be directed to be appointed.</p> <p>Heard learned advocate for the parties.</p> <p>In our view, it cannot be denied that the applicants were engaged as labourers for nursery and plantation management works which are seasonal in nature. It is also evident from an intimation appearing at page 30 of the application, issued by the Range Officer, Durgapur Forest Range , the Respondent No. 5 to the Respondent no. 3 that the applicants were working on a seasonal basis throughout the year and a list of labourers was being sent to the Respondent no. 3 for necessary</p>	

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Skg.	<p>action and guidance.</p> <p>In our view, as there are no regular posts in the labour category, no order can be passed on the application. However, considering the facts and circumstances of the case, this Original Application is disposed of by directing the Divisional Forest Officer, Durgapur, Burdwan Division, the Respondent No. 3 to consider sympathetically for engaging the applicants as seasonal labourers as and when demand arises.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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