

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

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

Case No. **OA-678 of 2015**

Chhaya Rani Hazra Jamadar

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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17/04/2019

**For the Applicant** : Mr. C. Biswas,  
Ld. Advocate.

**For the State Respondent :** Mr. S.K. Pal,  
Mrs. S. Agarwal,  
Ld. Advocates.

The applicant has prayed for direction upon the respondents for regularisation of the applicant in the service in Group 'D' post and for enhancement of monthly remuneration of the applicant from ₹ 2000/- to ₹ 6600/- in terms of G.O. dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal.

It appears from the materials on record that the applicant was engaged as part time Sweeper on March 01, 1991 by the Respondent No. 5, Block Development Officer, Krishnaganj Development Block, Nadia by issuing an order on August 08, 1993. On July 11, 2011, the said Respondent No. 5 issued an office order by making clarification that there is no casual/daily rated/contractual worker in his block, and the applicant has been working along with two other employees as contingent manial. The present applicant previously moved the Tribunal by filing OA-574 of 2013 praying for regularisation of service of the applicant in Group 'D' post and for enhancement of the remuneration of the applicant. On September 27, 2013 the said original

**ORDER SHEET – (Continuation)**

Form No.

Chhaya Rani Hazra Jamadar  
.....

Vs

The State of West Bengal & Others.  
.....Case No. **OA-678 of 2015**

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>application was disposed of by the Tribunal by rejecting the claim of the applicant for regularisation in Group 'D' post and by making a request to the District Magistrate, Nadia to furnish information to the concerned department for consideration of the eligibility of the applicant to get benefit in terms of G.O. dated September 16, 2011. The grievance of the applicant is that the concerned department of the Government of West Bengal has not considered the eligibility of the applicant to get remuneration in terms of G.O. dated September 16, 2011 inspite of furnishing of information by the District Magistrate, Nadia.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that prayer of the applicant for regularisation in Group 'D' post was rejected by this Tribunal on September 27, 2013 in OA-574 of 2013. Accordingly, the present prayer of the applicant for regularisation in Group 'D' post is barred by the Principles of Res-Judicata and as such the said prayer was rejected by an interim order on November 19, 2018. On consideration of memorandum no. 9008-F(P) dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal we find that casual/daily rated/contractual workers who have rendered 10 (ten) years of service continuously with at least 240 days of attendance each year will get remuneration of ₹ 6600/-</p>	

**ORDER SHEET – (Continuation)**

Form No.

Chhaya Rani Hazra Jamadar  
.....

Vs

The State of West Bengal & Others.  
.....Case No. **OA-678 of 2015**

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>p.m., provided they have been engaged against any sanctioned post and the engagement is done with the approval of the Departmental Secretary of the Government of West Bengal. In the instant case, the applicant was engaged as part time sweeper. The letter dated January 24, 2014 addressed to the Joint Secretary to the Government of West Bengal, Department of Panchayat and Rural Development by the Additional District Magistrate and Executive Officer of Zilla Parishad, Nadia for deciding eligibility of the employees to get financial benefit in terms of G.O. dated September 16, 2011 produced before this Bench today by the Learned Counsel for the applicant (which is now kept on record) indicates that the present applicant was engaged as Sweeper on monthly remuneration of ₹ 2000/- p.m. This letter, thus, unerringly points out that the applicant is a part time employee who is not entitled to get benefit of monthly remuneration in terms of G.O. No. 9008-F(P) dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal. However, the applicant being a part time Sweeper (present designation as Karmabandhu) is entitled to get monthly remuneration @ ₹ 3000/- p.m. w.e.f. January 01, 2018 in terms of memo 7284-F(P<sub>2</sub>)/FA/O/2M-01 dated November 27, 2017 issued by the Finance Department, Audit Branch, Government of West Bengal.</p>	

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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
Csm	<p>In view of our above findings, we are unable to accept the contention made on behalf of the applicant that the applicant is entitled to get monthly remuneration @ ₹ 6600/- p.m. in terms of G.O. dated September 16, 2011. The Respondent No. 5, Block Development Officer, Krishnaganj Development Block, Nadia is directed to ensure payment of remuneration to the applicant @ ₹ 3000/- p.m. w.e.f. January 01, 2018 in terms of memo dated September 27, 2017 issued by the Finance Department, Audit Branch, Government of West Bengal within a period of 12 (twelve) weeks from the date of communication of the order.</p> <p>With the above direction, the original application stands <b>disposed of</b>.</p> <p>Let a <b>Plain Copy</b> of the order be supplied to both parties.</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>	