

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

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

**Case No. OA 838 of 2015**

Kalpna Mondal

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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20/02/2020

**For the Applicant** : Mr. M. Karim,  
Mr. A. Samad,  
Ld. Advocates.

**For the State Respondent :** Mr. S. N. Ray,  
Ld. Advocate.

The applicant has prayed for direction upon the respondents to pay monthly remuneration @ ₹ 7000/- per month in terms of 4011-F(P) dated May 20, 2013 issued by the Finance Department, Audit Branch, Government of West Bengal after setting aside the reasoned order passed by the Principal Secretary to the Government of West Bengal, Department of Health & Family Welfare (Annexure 'F' to the original application).

It appears from the materials on record that the applicant was engaged as daily rated worker in the capacity of Sweeper in the office of the Respondent No. 5 on October 14, 2009. He used to get remuneration @ ₹ 68/- per working day which was enhanced to ₹ 100/- per working day in the year 2013. Previously, the applicant approached this Tribunal by filing OA-717 of 2014 which was disposed of on November 12, 2014. This Tribunal gave direction to the Principal Secretary to the Government of West Bengal, Department of Health & Family Welfare to consider the representation of the applicant and decide whether the applicant is entitled to get benefit of full time casual employee in terms of G.O.

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	<p>No. 4011-F(P) dated May 20, 2013. The Principal Secretary to Government of West Bengal, Department of Health &amp; Family Welfare passed a reasoned order (Annexure 'F' to the original application) wherefrom it appears that the applicant is not entitled to get the benefit of full time casual employee for non-fulfillment of the criteria laid down in Memorandum No. 9008-F(P) dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal. The Principal Secretary has specifically laid down in the reasoned order that the applicant is not entitled to get benefit as full time casual employee in terms of G.O. No. 4011-F(P) dated May 20, 2013 issued by the Finance Department, Audit Branch, Government of West Bengal. Nothing is on record to indicate that the said reasoned order passed by the Principal Secretary is illegal or arbitrary and as such we hold the said reasoned order as legal, valid and binding upon the applicant.</p> <p>Now the question for consideration of the Tribunal is whether the applicant is entitled to get remuneration as Sweeper (part time casual employee) in terms of Memorandum dated May 20, 2009 and subsequent Memorandum dated November 27, 2017 issued by the Finance Department, Audit Branch, Government of West Bengal.</p> <p>Having heard Learned Counsel representing both</p>	

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Csm	<p>parties and on consideration of the fact that the applicant was engaged as part time casual employee (Sweeper), we are of the view that the applicant is entitled to get remuneration @ ₹ 2000/- per month in terms of Memorandum dated May 20, 2009 and @ ₹ 3000/- per month w.e.f. January 01, 2018 in terms of Memorandum dated November 27, 2017.</p> <p>In view of our above findings, we direct the Respondent No. 4, Chief Medical Officer of Health, Rampurhat Health District to pay remuneration to the applicant in terms of Memorandum No. 3727-F dated May 20, 2009 till December 31, 2017 and remuneration @ ₹ 3000/- per month 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 within a period of 08 (eight) weeks from the date of communication of the order. With the above direction, the original application is <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>	