

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – OA-1113 of 2017.Nandadulal Saha + Another Vs The State of West Bengal & Others.

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;">10</p> <p>-----</p> <p>28-02-2020</p>	<p>For the Applicants : Mr. Harun All Rashid, Advocate.</p> <p>For the State Respondents : Mr. S. Ghosh, Advocate.</p> <p>The instant application has been filed praying for a direction upon the respondent to appoint the applicants against the regular post of GDA. As per the applicants, they were working since 1981-82. Therefore they should be absorbed or regularized in the regular Group-D post. During the course of hearing they also referred the working certificate issued by the Deputy Chief Medical Officer of Health.</p> <p>The Counsel for the respondent has vehemently objected to the maintainability of the application as the applicants were seasonal worker even they did not work at a stretch and as per requirement of the minimum number of days. It has been further submitted by the respondent that the application is hopelessly barred by limitation. It has been further</p>	

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	<p>submitted that though some of the seasonal workers were appointed in a regular establishment under the scheme of the department of West Bengal from the said list, however they were appointed after fulfilling the criteria/requirements of the said scheme. As the applicants did not fulfil the said condition especially with regard to the minimum days of working. Therefore there is no question of consideration of their case of regularization.</p> <p>We have heard both the parties and perused the records. It is noted that admittedly the applicants were seasonal workers even after the perusal of the particulars of days of working certified issued by the Chief Medical Officer of Health dated 25-01-2011 for the year 1981 to 2010. It is noted that the applicant No. 1 and 2 had never worked for minimum 240 days even in some years they never worked at all. Therefore after the decision of the Hon'ble Apex Court in the case of Uma Devi, casual labour and/or seasonal workers may be regularized subject to the scheme of the concerned department and admittedly the scheme of the</p>	

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Mihir	<p>respondent for regularization of minimum 240 days of working is mandatory which admittedly being not found in the case of the applicants from their own enclosures. Even they never challenged the scheme of the department.</p> <p>Therefore we do not find any reasons to entertain the instant application. Accordingly, the OA is dismissed being devoid of merit.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	