

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 36 OF 2016**

Sudhangshu Bhowmick & Others v/s 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
10 17.12.2018	<p>For the Applicants : Mr. S. Mustaphi, Learned Advocate.</p> <p>For the Respondents : Mr. R.A. Chowdhury, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents to grant them remuneration in terms of Memorandum No. 9008-F(P) dated September, 16, 2011 and Memorandum No. 4011-F(P) dated May, 20, 2013 issued by the Finance Department, Audit Branch, Government of West Bengal after quashing of the order dated December 16, 2015 passed by the Chief Engineer (HQ), Public Works (Roads) Directorate, Government of West Bengal.</p> <p>The contention of the applicants is that they were engaged as Casual employee in the office of the Project Director, ADB Road Project, Public Works (Roads) Directorate on different dates either in the month of September, 1999 or October, 2000 and they have been continuing as such Casual employee till today in the office of Executive Engineer, Birbhum Highway Division-II after completion of the said project in the year 2000. The further contention of the applicants is that they will not be governed by Clause (X) of Memorandum No. 9008-F(P) dated September 16, 2011 as opined by the Chief Engineer (HQ), Public Works</p>	

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(Roads) Directorate in the reasoned order dated December 16, 2015. Learned Counsel representing the applicants submits that the applicants have been working as Casual employee for about 18 years on receiving paltry monthly remuneration of Rs.3000/-, whereas they are eligible to get remuneration in terms of Memorandum dated September 16, 2011 and Memorandum dated May 20, 2013 issued by the Finance Department, Audit Branch, Government of West Bengal.

Learned Counsel representing the State respondents submits that the applicants have been working till date as Casual employee but they are not entitled to get the benefit of G.Os. issued by the Finance Department as they have not been recruited against any sanctioned post.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicants were engaged as Casual employee initially in a project and thereafter they have been continuing as Casual employee in the office of the Executive Engineer, Birbhum Highway Division-II and as such the entitlement of the applicants to get remuneration in terms of Finance Department Memorandum dated September 16, 2011 and Memorandum dated May 20, 2013 should be reconsidered by the State respondents. Since the reasons assigned by the Chief Engineer (HQ), Public Works (Roads) Directorate for turning down the

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claim of the applicants to get the benefit of Finance Department Memorandum dated September 16, 2011 and Memorandum dated May 20, 2013 are fallacious and not justified under the law, we would like to quash the reasoned order dated December 16, 2015.

Accordingly, the reasoned order dated December 16, 2015 issued by the Chief Engineer (HQ), Public Works (Roads) Directorate is hereby quashed. The Respondent No. 1, Principal Secretary to the Government of West Bengal, Public Works Department is directed to consider the entitlement of the applicants to get remuneration as Casual employee and the period of such remuneration in terms of Finance Department Memorandum No. 9008-F(P) and Memorandum No. 4022-F(P) dated May 20, 2013 issued by the Finance Department, Audit Branch, Government of West Bengal by passing a reasoned order within a period of 12 weeks from the date of communication of the order and take necessary follow-up action, if any, within a period of 4 weeks thereafter.

With the above direction, the original application stands **disposed of.**

Let a plain copy of the order be supplied to both parties.

Rajib

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

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