

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-464 of 2014.**Kalyan Roy + 30 Others Vs The State of West Bengal & Others.**

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<p>23</p> <p>-----</p> <p>28-02-2020</p>	<p>For the Applicants : Mr. S. N. Roy, Advocate.</p> <p>For the State Respondents : Mr. S. Ghosh, Advocate.</p> <p>The instant application has been filed basically praying for absorption or regularization of the applicants in the regular establishment of the Govt. of West Bengal.</p> <p>The Counsel for the respondent has vehemently opposed with regard to the maintainability of the instant application on the ground of lack of jurisdiction of the Tribunal. The Counsel for the respondent has drawn our attention to the different enclosures as the applicants enclosed in this OA as well as their reply and rejoinder filed by the applicants and respondent whereby it would be evident that the applicants get their remuneration under the Welfare Samiti, which is not a part of the Govt. of West Bengal as the Tribunal have no</p>	

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	<p>jurisdiction over the West Bengal Health & Family Welfare Samiti, District Health & Family Welfare Samiti or Rogi Kalyan Samiti. However the Counsel for the applicant has submitted that some similarly circumstances person's case was entertained by this Tribunal and they were regularized. However the Counsel for the respondent has submitted that even if any mistake have been done that cannot be perpetuated where the Tribunal has no jurisdiction which is being a point of law, can be raised at any point of time.</p> <p>We have heard both the parties and perused the records. It is noted that the applicants were appointed as a contractual employee of different samiti, which is not a department/part of Govt. of West Bengal since the aforesaid Samiti has not been notified. Therefore they cannot be taken as government employee by the Govt. of West Bengal.</p> <p>Thus we do not have the jurisdiction over the same. It is a settle principal of law that the jurisdiction is a point of law which can be</p>	

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Mihir	<p>raised at any point of time even the jurisdiction cannot be created by the Court or by the Counsel of the parties and if by mistake any application have been entertained by any authority not having jurisdiction, it cannot be treated as precedent or perpetuated. As admittedly the applicants were working under different Samiti and being funded by the said Health and Family Welfare Samiti.</p> <p>Therefore we are not in a position to entertain the instant application for want of jurisdiction. Accordingly, the OA is dismissed being lack of jurisdiction. The applicants are at liberty to approach before the appropriate forum.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

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