

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

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

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

Case No OA-720 of 2016**Samir Hazra & Others –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;"><u>13</u> 18.03.2019</p>	<p><i>For the Applicants : Mr. G.P. Banerjee, Mr. S. Chatterjee, Mr. U. Sarkar, Advocates.</i></p> <p><i>For the Respondents : Mr. S. Ghosh, Advocate.</i></p> <p><i>The instant application has been filed praying for the following:</i></p> <p><i>“a) An order directing the respondents, their agents, subordinates and successors specifically the respondent nos. 3,4, and 8 to regularize the service of the applicants as per the Finance Department Notification Nos. 9008-F(P) dated 16.09.2011 and 4011-F(P) dated 15.05.2013 thereby cancelling and / or setting aside the Notification of vacancy being No. 186(12)/M.H.G./V-6 dated 29.07.2015 issued by the respondent no. 8 forthwith;</i></p> <p><i>b) An order directing the respondents, their agents subordinates and successors to consider the case of the applicants;</i></p> <p><i>c) An order directing the respondents, their agents, subordinates and successors</i></p>	

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	<p><i>to produce all records so that conscionable justice may be administered by granting the relief herein above.</i></p> <p><i>d) An order directing the respondents, their agents, subordinates and successors for payment of costs to the applicant for compelling her to proceed towards the litigation owing to the fault of the respondents;</i></p> <p><i>e) And / or to pass such further order or orders as to the Hon'ble Tribunal may deem fit and proper."</i></p> <p><i>As per the applicant, they were engaged under Govt. M. N. R. E. G. A. Scheme and had worked for a considerable period of time. Therefore, they have prayed for consideration of their case by cancelling / setting aside the Notification vacancy dated 29.07.2015. However, they have also prayed for regularisation of their services and to that effect they have made a representation to the Extension Officer, Kotasur Circle Complex on 16.06.2016.</i></p> <p><i>The respondents have filed their reply and they have vehemently submitted that the applicants are not at all casual labour as they are claiming but they were engaged</i></p>	

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A.K.P.	<p><i>under M. N. R. E. G. A. Scheme for self-help group. Therefore, they are not covered by the Finance Department Notification dated 25.05.2013 and 16.09.2011. Further they are not even be considered as a casual labour and was in Govt. employment thus no question of regularisation has arisen. The counsel for the respondents has prayed for dismissal of the O.A.</i></p> <p><i>We have heard the parties and perused the records. It is noted that in their representation dated 16.06.2016 (Annexure G), the applicants themselves has admitted that they worked in M. N. R. E. G. A. Scheme as a self-help group. Further from the Notification dated 29.07.2015 also, it is noted that the applications are called for forming of self-help group under M. N. R. E. G. A. Scheme. Therefore, in our considered view, there is no scope for considering their case for regularisation or to extend any benefit of Finance Department Notification. Thus, we do not find any reason to entertain the instant O.A. Accordingly, we dismiss the O.A. with no order as to cost.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	