

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

The Hon'ble Mrs. Urmita Datta (Sen)
& The Hon'ble Dr. Anup Kumar Chanda.

Case No -OA-995 of 2017.

Kouswalla Das & Others. -Vs- 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
<p style="text-align: center;"><u>03</u> 25.04.2018</p>	<p>For the Applicants : Mr. Asim Hati, Advocate.</p> <p>For the Respondents : Mrs. Ruma Sarkar, Mr. Aniruddha De, (Departmental Representatives). (Land & Land Reforms Department).</p> <p>The instant application has been filed praying for extension of benefit of G.O. No.-3727-F dated 20.05.2009 as well as extension of the benefit of the Judgement dated 16.04.2012 passed in O.A.-1304 of 2011.</p> <p>According to the applicants, they were engaged as part time Sweeper-cum-Water carrier at the different R. I. Offices attached to Block Land and Land Reforms Officer, Chapra, Krishnagar-I, Nadia. According to them, they are entitled to get enhanced remuneration as per the Memorandum dated 20.05.2009. Though they have been granted the enhanced remuneration at the rate of Rs. 2,000/- per month at present but they did not get any arrear from the actual date of entitlement. Being aggrieved they have preferred the instant application.</p> <p>However, the Departmental Representatives for the respondents has raised the objection on the ground</p>	

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	<p>of non-fulfilment of provision of Section-21 as the applicants have approached this Tribunal without submitting any representation to the authority.</p> <p>However, the counsel for the applicant has drawn our attention to the operative part of the order dated 16.04.2012 passed in O.A.-144 of 2012 and has submitted that the respondent was duty bound to implement the order of this Special Bench without compelling the aggrieved party to come before this Tribunal.</p> <p>Therefore, according to the counsel for applicant, there is no need to file any representation before the respondents.</p> <p>Further, the counsel for the applicant has submitted the O.A. may be disposed of with a direction to the authority to consider the case of applicants in the light of the order dated 16.04.2012 as well as taking into account the Memorandum dated 07.09.2009 and the order of the Special Bench dated 22.12.2011 with regard to the payment of arrear and make payment thereof.</p> <p>Heard both the parties. It is noted that in</p>	

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	<p>the order dated 16.04.2012, this Tribunal has held:</p> <p style="text-align: center;">“All the applications stand disposed of.</p> <p style="text-align: center;">Before parting with our discussion, we may further record our observation as the matter of guidance for the Director of Land Records and Survey and Joint Land Reforms Commissioner, West Bengal that he must take care to implement the order of the Special Bench in the matter of payment of remuneration to the part-time Sweeper/Water Carriers without compelling the aggrieved party to come time and again before the Tribunal.”</p> <p>Accordingly, the O.A. is disposed of with a direction to the Respondent No.-IV i.e. the Additional District Magistrate and District Land & Land Reforms Officer, Krishnagar, Nadia to consider the case of the applicants with regard to arrear of payment after verifying their date of claim in the light of G.O.</p>	

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Sourav	<p>circular dated 07.09.2009 as well as the order of the Special Bench dated 16.04.2012 in O.A.-1304 of 2011 and make payment thereof within a period of three months from the date of receipt of this order.</p> <p>Accordingly, O.A. is disposed of with above observations and directions with no order as to costs.</p> <p>DR. A. K. CHANDA MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	