

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 999 OF 2019

Mahima Ranjan Singha Sarkar & 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
4 <hr/> 19.08.2020	<p><i>For the Applicants : Mr. U.N. Betal , Learned Advocate.</i></p> <p><i>For the State respondents No. 1, 2 & 3 : Mr. G.P. Banerjee, Learned Advocate.</i></p> <p><i>For the Respondent No.4 : Ms. R. Sarkar, Departmental Representatives.</i></p> <p style="text-align: center;"><i>Affidavit of service filed on behalf of the applicants today is kept on record.</i></p> <p style="text-align: center;"><i>The applicants have prayed for direction upon the respondents for payment of remuneration as Casual Group 'D' employees with arrears of remuneration and interest thereon in terms of Memorandum No. 9008-F(P) dated September 16, 2011, Memorandum No. 4011-F(P) dated May 20, 2013, Memorandum No. 1107-F(P) dated February 25, 2016 and Memorandum No. 1033-F(P) dated February 08, 2019 issued by the Finance Department, Audit Branch, Government of West Bengal.</i></p> <p style="text-align: center;"><i>The applicants no. 1, 2 & 3 have drawn remuneration as Casual Group 'D' employees @ ₹ 700/- per month w.e.f. June 2002 in the establishment of</i></p>	

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respondent no. 3, Sub-Divisional Officer, Mekhliganj. The applicant no. 4 has also drawn remuneration @ ₹ 700/- per month as Casual Group 'D' employee w.e.f. August 2006 in the establishment of the respondent no. 3, Sub-Divisional Officer, Mekhliganj. The remuneration of the applicants was increased to ₹ 2000/- per month from the month of July, 2009. All the applicants have drawn remuneration @ ₹ 2983/- in the month of August, 2012. The remuneration of the applicants was increased to ₹ 12,000/- per month from the month of May 2018. It appears from the record that the remuneration of the applicants was increased to ₹ 14,000/- per month in the month of March 2019, but the remuneration was reduced to ₹ 12,000/- for the month of August, 2019. Admittedly, the payment of remuneration of the applicants was stopped from the month of September 2019.

Mr. Betal, Learned Counsel representing the applicants submits that the applicant no. 2 retired from service on December 31, 2019 but he was in service when the original application was filed before the Tribunal. He further submits that a criminal case was started against the applicant no. 4 and he was detained in custody, but he has already been discharged from the said criminal case by the order of the competent Court of Law. The specific

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submission of Mr. Betal is that the applicants are entitled to get remuneration in terms of Memorandum No. 9008-F(P) dated September 16, 2011 and other Memorandums issued from time to time by the Finance Department, Audit Branch, Government of West Bengal. According to Mr. Betal, the name of the applicants and the service particulars of the applicants were forwarded by the respondent no. 3 to the respondent no. 2 for approval of payment of remuneration as Casual Group 'D' employees in terms of the memorandum dated September 16, 2011, but no action has yet been taken by the respondent in this regard.

Ms. R. Sarkar, Departmental Representative of the respondent No. 4 has placed on record one letter dated 3rd July, 2020 issued by the Deputy Secretary to the Government of West Bengal, Department of Land and Land Reforms in favour of the respondent No. 2 asking the respondent No. 2 to send service particulars of the applicants for further necessary action by the Department and submitted that the issue for payment of remuneration to the applicant in terms of Memorandum dated September 16, 2011 is under consideration.

Mr. G.P. Banerjee, Learned Counsel representing the

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State respondents No. 1 to 3 contends that the applicant No. 2 is not entitled to get remuneration after December 31, 2019 as he has already retired from service. He further contends that the applicant No. 4 is not entitled to continue in service as casual Group D employee due to his involvement in the criminal case and detention in custody exceeding 48 hours, particularly when no document is submitted by the applicants disclosing the fact of acquittal of the said applicant from the criminal charge by the competent Court of Law.

Having heard Learned Counsel representing the respective parties and the Departmental Representative of the respondent No. 4 and on consideration of the materials on record, we find that the applicants have been working as casual Group D employee in the establishment of the respondent No. 3, Sub-Divisional Officer, Mekliganj, District- Cooch Behar and have drawn remuneration from Rs.700/- to Rs.14,000/- p.m. in different period of time from the month of June, 2002 till the month of July, 2019. Admittedly, payment of remuneration is stopped from the month of September, 2019. There is nothing on record to indicate that Departmental Secretary has considered for grant or refusal of approval for payment of remuneration of the

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applicants as casual Group D employees in terms of Memo No. 9008-F(P) dated September 16, 2011 at any material point of time though the service particulars of the applicants were forwarded by the respondent No. 3 in favour of the respondent No. 2 on December 2, 2019 for grant of approval for payment of remuneration of the applicants as casual Group D employees in terms of Memorandum dated September 16, 2011 and other memorandums issued in this regard from time to time by the Finance Department, Audit Branch, Government of West Bengal. Since the Deputy Secretary to the Government of West Bengal, Department of Land and Land Reforms has asked for service particulars of the applicants from the respondent No. 2 in connection with the present original application, we are of the view that the Departmental Secretary should consider the entitlement of the applicants to get remuneration in terms of Memorandum dated September 16, 2011 issued by the Finance Department, Audit Branch, Government of West Bengal within specific period of time.

In view of our above findings, we are inclined to dispose of the original application without exchange of reply and rejoinder. Accordingly, respondent No. 2, District Magistrate, Cooch Behar is directed to forward

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the service particulars of the applicants to the respondent No. 4 within a period of four weeks from the date of communication of the order. Similarly, the respondent No. 4, Principal Secretary to the Government of West Bengal, Department of Land and Land Reforms and Refugee, Relief and Rehabilitation is directed to consider about the entitlement of the applicants to get remuneration as casual Group D employees in terms of Memorandum No. 9008-F(P) dated September 16, 2011 and other memorandums issued in this regard from time to time by the Finance Department, Audit Branch, Government of West Bengal on verification of service records of the applicants by passing a reasoned order within a period of six weeks from the date of furnishing of service particulars of the applicants by the respondent No. 2 and to take necessary follow-up action in this regard within a period of four weeks thereafter.

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

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

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

Rajib

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