

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. –OA 537 OF 2017**

**BHASAN PAUL - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.

and

Date of  
order

For the Applicants

: Mr. G. Singh,  
Advocate

For the State Respondents

: Mr. S. Ghosh,  
Advocate

25

30.04.2024

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authority to absorb the applicant permanently in regular establishment. The applicant is seasonal spray worker (daily rated worker) under N.M.E.P. (Malaria Department) under the Assistant Chief Medical Officer of Health, Barrackpur, North 24-Parganas. Submission of the applicant is that he has preferred his representation before the respondent authorities and thus, pray for a direction to the respondent to consider their representation.

In response, Mr. Ghosh, learned counsel for the State respondents submits that since the judgement in Uma Devi case, such prayers are not admissible. This applicant being seasonal spray workers, engaged for only 120 days in a year on no work no pay basis, is not entitled to be absorbed in regular establishment under any of the schemes of the Government.

It is not in dispute nor agitated by the applicant that he was seasonal Spray Worker. Such nature of their engagement is clear from a document dated 02.02.2006, issued by the Assistant Chief Medical Officer of Health, Barrackpur, North 24-Parganas engaging him as daily rated D.D.T. Spray Worker (Field Worker) under his control. No document is submitted before the Tribunal by which order these Spray Worker was engaged to do anti-malarial insecticidal spray operation on daily wages (no work no pay).

Having heard the submissions of the learned counsels, it is the finding of the Tribunal that prayer of this seasonal Spray Worker, being engaged on daily rated (no

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work no pay) basis, his prayer does not have any merit. By very nature of his engagement, the respondent authorities are not obliged under any law to absorb him into permanent job. Therefore, finding no merit in this application, this application is disposed of without passing any orders.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN/BLR

WEST BENGAL ADMINISTRATIVE TRIBUNAL