

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 956 OF 2019

MADHU SUDAN MAHATO & ORS. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.

and

Date of
order

For the Applicants

: Mr. R.N. De,
Advocate

For the State Respondents

: Mr. S. Ghosh,
Advocate

18

25.04.2024

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 23rd 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 applicants permanently in regular establishment. The applicants are seasonal spray workers (daily rated workers) under N.M.E.P. (Malaria Department) under the District Health Department of Purulia, getting a daily wage remuneration of Rs.338/- per day. Submission of Mr. De is that they have preferred their representations before the respondent authorities and thus, pray for a direction to the respondent to consider their representations.

In response, Mr. Ghosh, learned counsel for the State respondents submits that since the judgement in Uma Devi case, such prayers are not admissible. These applicants being seasonal spray workers, engaged for only 180 days in a year on no work no pay basis, are 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 applicants that they are seasonal Spray Workers. Such nature of their engagement is clear from the order dated 22.06.2015 issued by the Chief Medical Officer of Health, Purulia engaging them as daily rated D.D.T. Spray Worker (Field Worker) under control of Dy. Chief Medical Officer of Health, Purulia as per Memo No. HPT/10M-2915/A3070/1(2) dated 04.05.2015. By this order these Spray Workers were engaged to do anti-malarial insecticidal spray operation on daily wages (no work no pay).

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Having heard the submissions of the learned counsels, it is the finding of the Tribunal that prayer of these seasonal Spray Workers being engaged on daily rated (no work no pay) basis, their prayer do not have any merit. By very nature of their engagement, the respondent authorities are not obliged under any law to absorb them 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.

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