

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

**Case No. – OA 100 of 2021**

**Sabidul Miah & Ors. -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicants : Mr. A. Maiti,  
Mr. D. Abbasi,  
Ld. Advocates.

14  
13.05.2024

For the State respondent : Mr. G.P. Banerjee,  
Ld. Advocate.

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.

A scheme called “Multipurpose Health Workers (Male and Female)” was introduced by the Government of India in partnership with the State Government in the year 2010. These applicants were then appointed as MPHW (Male). In the initial phase spanning three years, Government of India supported the scheme financially by funding 85%, 75% and 65% of the total expenditure. The last funding of the Government of India was given in the year 2014. The scheme continues even today but without any funding support from the Government of India. As per the guidelines issued by the Government of India, the State Governments were advised to create requisite number of posts and fill them on contractual basis so that the continuity of these workers are maintained. Though the contract was not renewed in paper but it appears that the applicants continued to work as MPHW (Male), still on contractual basis. Presently they receive the enhanced remuneration of Rs.15,500/- per month.

Submission of Mr. Maiti, learned counsel appearing on behalf of the applicants is that despite a clear advice from Government of India and despite having worked in the same capacity for more than ten years, neither suitable posts have been created nor these applicants have been absorbed into any regular establishments. Thus, the prayer before this Tribunal is a direction to the respondent authorities to absorb on permanent basis these applicants.

Appearing on behalf of the State respondents, Mr. Banerjee, learned counsel submits that the Circular relied by Mr. Maiti is only a guideline advising the State Government to create suitable posts. Such recommendation

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is not binding upon the State authorities. Mr. Banerjee further draws attention to one of the appointment letters which had clearly stated that claims in the future for absorption into permanent establishment cannot be made. Therefore, the question of absorption into regular establishment does not arise. Mr. Banerjee further submits that without exhausting the remedy lying with the respondent authority by way of furnishing representations, this application has been filed directly with the Tribunal. Mr. Banerjee also points out that the applicants, on one hand, are praying for permanent absorption, and on the other hand, asks for enhanced remuneration. To this, Mr. Maiti does not press for an interim prayer for benefits under Memorandum No. 9008-F(P).

Let further hearings be continued on the next date with liberty to both sides to file copies of relevant documents, if any.

Let the matter appear under the heading "**Hearing**" on **03.10.2024**.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS