

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 4 OF 2021**

KARTIK SARKAR & OTHERS - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

For the Applicants

:

Mr.S.S.Roy

Advocate

17

02.05.2024

For the State respondents

:

Mr. Goutam Pathak Banerjee

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 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 contesting parties, the case is taken up for consideration sitting singly.

The applicants working as Casual workers have prayed for regularising their service in the post of Peon / Nigh Guard as Group-D. Submission of the learned counsel is that these applicants have been working in these posts for the past 30 years. Mr.Roy, learned counsel for the applicants submits that though several representations have been furnished, but prayers for regularisation has not been accepted. Attention has been drawn to Memo. 3016 dated 03.09.2004 by which the Finance Department had approved retention of 20 Nos. of casual workers in the district of Nother 24 Paraganas. The applicants were part of these 20 retained casual workers. By a correspondence dated 30.11.2016, the District Registrar North 24 Paraganas had sought approval of the Secretary, Finance Department for enhanced remuneration as per G.O. No. 1107-F (P) dated 25.02.2016. Learned counsel for the applicant relied on the judgement reported in 2206 Vol. 4 SCC page No. 1.

Mr.G.P.Banerjee, learned counsel submits that none of the applicants are eligible for regularization for the fact that none of them

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have been able to show any appointment/ engagement letter. Secondly, such prayer is not admissible for the reason that these casual workers were never engaged against any sanctioned post with the approval of the competent authority. Though the learned counsel for the applicant have cited the relevant para of Uma Devi's judgement, but Mr.G.P.Banerjee submits that the applicants have failed to fulfil any of the criteria laid down in the same judgement.

Let the matter appear under the heading "Further Hearing" on 3rd December, 2024.

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

BLR