

ORDER SHEET
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 43 of 2025

Biswanath Bairagya -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. G.P. Banerjee, Mr. N.B. Mondal, Ld. Advocates.
<u>02</u> 08.05.2025	For the State Respondents	: Ms. R. Sarkar, Mr. S. Debray, Mrs. A. Bhattacharya, Ld. Departmental Representatives.

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.

In support of the prayer, the applicant has presented copies of several Notifications, the main ones being Notification Nos. 9008-F(P) dated 16.09.2011 and 1107-F(P) dated 25.02.2016. The contention of the applicant is that he fulfils all the eligibility criteria under these Notifications, therefore, entitled to receive the benefits as stipulated in the Notifications. As a Karmabandhu, he has been performing more than 245 days of work in a year as a Water Career-cum-Sweeper.

Disagreeing with the contention of the applicant, Ms. Sarkar, Learned Departmental Representative presents a copy of memo. no. 8662-F dated 07.09.2009 and submits that Karmabandhus are entitled to receive a remuneration of Rs.1500 to Rs.2000/- for having performed duties more than three hours a day. In terms of the current order, such remuneration has now enhanced to Rs.5000/- per month. Further submission is that since the applicant was engaged as a part-time Sweeper, now designated as Karmabandu, therefore, the benefits of this Notification is not applicable. The Notification No. 9008-F(P) dated 16.09.2011 is rather restricted only to those employees who were engaged as a casual/daily rated/contractual basis and engaged against a sanctioned post.

Form No.

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The State of West Bengal & Ors.

Mr. Banerjee, learned counsel prays for a direction to the respondent authorities to at least consider the representations filed by the applicant or counsel.

Having heard the submissions of the learned counsels and after examining the records in this application, the Tribunal is of the view that, it is the primary responsibility of the respondent authorities to examine the matter and take a final decision as per rules and in particular with reference to the Notifications relevant for this purpose.

With this observation, the respondent no. 1, re-designated as the Additional Chief Secretary, Land & Land Reforms and Refugee Relief and Rehabilitation Department is directed to consider the prayer of the applicant, a Karmabandhu for enhancement of his remuneration as per relevant Rules and Notifications. Such consideration and final decision be taken within a period of three (03) months from the date of communication of this order.

Accordingly, this application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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