

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 140 OF 2018

Rajani Kanta Jana Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">08 <hr/>19.11.2019</p>	<p><i>For the Applicant : Mr. G. Halder, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. S. Ghosh, Learned Advocate.</i></p> <p><i>The applicant has prayed for direction upon the respondents for grant of remuneration in terms of Memorandum No. 9008- F (P) dated September 16, 2011 and subsequent Memorandums issued on May 20, 2013 and February 25, 2016 issued by the Finance Department, Audit Branch, Government of West Bengal.</i></p> <p><i>The contention of the applicant is that he was engaged as Casual employee (Water Career) at consolidated monthly remuneration of Rs. 500/- in the Office of the respondent no. 4, Sub-divisional Information and Cultural Officer, Contai, in the District of Purba Medinipur. The further contention of the applicant is that his remuneration was enhanced from Rs. 500/- p.m. to Rs. 2,000/- p.m. in terms of letter dated August 24, 2017 issued by the Sub-divisional Information and Cultural Officer, Contai. The grievance of the applicant is that he has not been given remuneration as full time casual employee in terms of Memorandums issued by the Finance</i></p>	

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Department, Audit Branch, Government of West Bengal.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant was engaged as Water Career on fixed monthly remuneration of Rs. 500/- in the year 1990. He continued to earn of Rs. 500/- p.m. as Water Career from the year 1990 till the monthly remuneration was enhanced from Rs. 500/- to Rs. 2,000/- by virtue of the letter dated August 24, 2017. The very fact of receiving remuneration @ Rs. 500/- p.m. initially and Rs. 2,000/- p.m. after August 2017 indicates that the applicant was a part time casual employee. Moreover, the applicant has failed to produce any order of engagement in the year 1990. In view of the nature of the duty discharged by the applicant, we are constrained to hold that the applicant is a part time casual employee who is entitled to receive monthly remuneration @ Rs. 2,000/- p.m. till December 31, 2017. However, the applicant being a part time casual employee (Water Career) is entitled to receive monthly remuneration @ Rs. 3,000/- p.m. in terms of Memorandum No. 7284-F(P2)/FA/O/2M-1 dated November 27, 2017 issued by the Principal Secretary to the Government of West Bengal, Department of Finance, (Audit) w.e.f. January 01, 2018.

In view of our above findings, we direct the

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respondent no. 4, Sub-divisional Information and Cultural Officer, Contai, Purba Medinipur to pay monthly remuneration to the applicant @ Rs. 3,000/- p.m. in terms of Memorandum No. 7284-F(P2)/FA/O/2M-1 dated November 27, 2017 w.e.f. January 01, 2018 within a period of 8 (eight) weeks from the date of communication of the order.

With the above direction, the original application is disposed of.

Let a plain copy of the order be supplied to both parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S