

DL. August 24,
18. 2021

Through Video Conference

W.P.S.T. 39 of 2020

Biswanath Gope
Vs.
State of West Bengal & ors.

Mr. Kashiswar Ghosal,
...for the petitioner.

Mr. Tapan Kumar Mukherjee-III,
Mr. Jayak Gupta,
Mr. Somnath Naskar,
...for the State.

In this writ petition, the writ petitioner has assailed the order dated January 6, 2020 passed by the West Bengal Administrative Tribunal in Original Application No. 1422 of 2014 filed for regularisation of his services.

The writ petitioner contended that he was engaged as Daily Rated Worker in the year 1998 and had worked under various departments. In the year 2011, the writ petitioner made a representation before the authority concerned for regularisation of his services, but no step has been taken by the respondent authorities.

The State respondents filed an affidavit in the said proceeding in which they had categorically stated that the applicant was engaged as daily rated labour during the election period intermittently and the job entrusted to the petitioner is not perennial in nature. It was further stated that the writ petitioner was never engaged continuously since 1998 as claimed by the petitioner.

The learned lawyer for the applicant before the tribunal

as well as before us has relied on a decision of a co-ordinate bench of this court rendered on September 7, 2005 in W.P.S.T. 704 of 2004 in which the co-ordinate bench observed that the then Advocate General had assured the court that the writ petitioners in the said proceeding would be engaged on casual basis at least for 25 days in a month and they would be paid at a rate which would be approved by the Finance Department. It was further assured that in future if there is any change in policy and the Government wants to regularise the services of such casual employees, in that event the petitioners' case would be considered on a priority basis.

However, as per the decision rendered by the Hon'ble Supreme Court in the case of Secretary, State of Karnataka vs. Uma Devi reported in (2006) 4 S.C.C. 1, in absence of any material showing that the petitioner has worked as a daily rated worker continuously at least for ten years, the relief granted in Uma Devi's case cannot be extended to the writ petitioner herein.

In view thereof, we do not find any reason to interfere with the order passed by the tribunal.

The writ application, thus, fails without, however, any order as to costs.

Photostat certified copy of this order, if applied for, will be made available to the applicant within a week from the date of putting in the requisites.

(Soumen Sen, J.)

dns

(HiranmayBhattacharyya, J.)