

DL-16

17.08.2023
Court No.5
(AD)

WP.ST 302 of 2009

**Ajit Kumar Bid & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Soumik Ganguly

... for the petitioners

The writ petition is directed against an order dated December 10, 2008 passed by the West Bengal Administrative Tribunal in O.A.-3709 of 2008.

By the impugned order, the Tribunal held that, the department rightly rejected the prayer for counting the past service of the petitioners with effect from 1987.

The petitioners were engaged as Seasonal Khalasi for four to five months during kharif irrigation period on purely stop-gap basis, not against the regular post. The engagement was also terminated at the end of each kharif season. From July 1, 1987, the petitioners were engaged as Seasonal Khalasi in spells. Later, the petitioners joined the post of Group-D staff from April 18, 1996/April 19, 1996 under work charged establishment on the basis of appointments issued. The petitioners were absorbed to the Group-D post on May 1, 1997 in regular establishment and since then, they were treated as a whole time government employee in Group-D service.

None of the petitioners raised any question while

joining their post on May 1, 1997. Subsequently, the petitioners sought that their period of work from July 1, 1987 as Seasonal Khalasi should be taken into account for the purpose of service benefits as also retiral benefits.

These contentions of the petitioners were considered by the Director of Personnel & Ex-Officio Chief Engineer, I & W Directorate, Government of West Bengal by a reasoned order dated November 20, 2007. The Director negated such claim on the ground that the past service of the seasonal workers cannot be taken into consideration.

This order was assailed in O.A.-3709 of 2008 by the writ petitioners.

By the impugned order, the Tribunal held that, the Director was correct in rejecting the claim of the petitioners. The order of the Director which was assailed before the Tribunal is well-reasoned.

It is not established that, the impugned order suffers from breach of principles of natural justice or stands vitiated on any ground whatsoever.

In such circumstances, we find no ground to interfere with the impugned order of the Tribunal.

WP.ST 302 of 2009 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

