

19.10.2023
Item No.6
Ct. No.5
CHC

WP.ST 124 of 2023
IA NO: CAN/1/2023

Sunil Kumar Singha @ Sunil Singha & ors.
Vs.
The State of West Bengal & ors.

Ms. Shanta Sarkar
...for the writ petitioners

Mr. Tapan Kr. Mukherjee, Sr. Advocate & A.G.P.
Mr. Somnath Naskar
...for the State

In Re: CAN/1/2023

CAN/1/2023 is an application for
restoration.

For the ends of justice and on the basis of
the averments made in the petition for restoration,
order of dismissal dated September 12, 2023 is
recalled.

CAN/1/2023 is allowed.

WP.ST 124 of 2023 is restored to its file and
number.

In Re: WP.ST 124 of 2023

The writ petition is directed against an order
dated July 26, 2023 passed in O.A.45 of 2023 by the
West Bengal Administrative Tribunal.

The writ petitioners were appointed as part
time Sweepers.

The writ petitioners approached the Tribunal for enhanced benefits as stipulated in Memorandum No.9008-F(P)l dated September 16, 2011 and other memoranda as admissible to the post of Group 'D' staff.

The Tribunal in the course of hearing of the Original Application called for a report from the Government. The Government authority submitted a report. On perusal and consideration of such report, the Tribunal arrived at a finding that, the writ petitioners were not only part-time Sweepers but also not engaged with the approval of the competent authority and against any sanctioned post. Consequently, the Tribunal found that, the writ petitioners were not entitled to the enhanced benefits as they prayed for.

Nothing is placed before us to suggest, let alone establish that, the writ petitioners are Group 'D' staff. The findings returned by the Tribunal cannot be said to be perverse.

We find any material irregularity in the impugned order of the Tribunal.

WP.ST 124 of 2023 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)