

16.07.2025
(D/L-105)
Ct. No.4
(B.K.N.)

W.P.S.T. 70 of 2025

**Shri Shambhunath Naskar
Vs.
The State of West Bengal & Others**

Mr. Golam Mastafa,
Mr. Tarasankar Samanta,
Mr. Kazi Asif Iqbal,
Mr. Ashrafur Rahaman

...for the Petitioner

Mr. Tapan Kr. Mukherjee, Ld. AGP,
Mr. Somnath Naskar

...for the State Respondents

1. Heard learned counsel for the petitioner.
2. The petitioner was the applicant before the Tribunal.

He served as a part time night guard from 1989 to 2018. His remuneration as such was fixed at Rs. 2000/- per month. According to him the remuneration was less than what he was entitled to and he pursued the matter through earlier proceeding which finally culminated in issuance of an order passed by a coordinate Bench on 16.09.2022 in contempt proceeding no. WPCRC 156(W)/2016 arising out of W.P.S.T. 342 of 2013. In the said proceedings, the applicant/petitioner claims, that for the first time he came to know about fixation of his remuneration at Rs. 2000/- per month with effect from 01.06.2009. Being dissatisfied with such fixation he sought liberty to assail the fixation in appropriate proceedings. He thus filed O.A. No. 154 of 2013. The

same has been disposed of on 24.02.2025. The tribunal while disposing of the application has taken note of the F.D memo of 2009 wherein the emoluments payable to a part time employee has been specified at Rs. 2000/- per month without any allowances.

3. The learned counsel has relied upon a memorandum dated 20.05.2009, copy of which has been handed over to the Court. It is apparent from the same that the pay of Rs. 20,000/- per month is admissible to a part time employee like the petitioner. He has also placed reliance on memorandum dated 16.09.2011. The memorandum was issued containing a scheme for providing security of tenure and appropriate emoluments and terminal benefits subject to fulfilment of conditions contained therein to casual/daily rated/contractual workers. The petitioner did not claim any such relief of being provided any security of tenure under the memorandum dated 16.09.2011 before the Tribunal. His only grievance was regarding a lesser fixation of pay than what he was entitled to. Since the fixation of pay is founded on the office memorandum dated 20.05.2009, copy of which has been handed over to the Court by the learned counsel for the petitioner. The Tribunal has rightly rejected the Original

Application finding the payments to be commensurate to his entitlements in terms of the F.D. memo.

4. This Court does not find any reason to interfere with the order dated 24.02.2025 passed in O.A. 154 of 2023 by the Tribunal.

5. The writ petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)