

30th June, 2025
(D/L No.59)
Ct. No.4
(SKB)

W.P.S.T.202 of 2024

Dilip Pal
Versus
State of West Bengal and others

Mr. Pulakesh Bajpayee
....for the petitioner.

Mr. Tapan Kr. Mukherjee, ld. AGP,
Ms. Sangeeta Roy
... for the State.

1. We have heard the learned counsel for the petitioner as well as the learned counsel for the State.
2. The petitioner has approached the West Bengal Administrative Tribunal (in short 'Tribunal') seeking security of tenure in terms of the government policy dated 16.09.2011 contained in Memorandum No.9008-F(E) issued by the Finance Department, Audit Branch, Government of West Bengal. An essential requirement for grant of benefit under the said memorandum is that the claimant must have worked as a casual/daily rated/contractual worker for not less than ten years continuously and rendered service for at least 240 days in each year.
3. The learned counsel for the petitioner submits that the order of the Tribunal is unsustainable as it has rejected the applicant's/petitioner's claim by relying on a reason assigned by the authorities that the work discharged by the petitioner was not against any sanctioned post. There is no such requirement as casual/daily rated/contractual workers are not necessarily engaged to perform duties of a sanctioned post.

4. We have asked the learned counsel for the petitioner to show us from the O.A. as to any assertion made by the applicant/petitioner that he worked for a period of not less than ten years and at least 240 days in each year. No such assertion is pointed out in the O.A. filed by the applicant/petitioner before the Tribunal.
5. We find that in paragraph 'k' of the O.A., the applicant/petitioner has stated as follows:

“Your applicant states that in terms of the Memorandum dated 09.03.2007, all such appointments have been made and the same includes employees who have neither worked for 240 days nor for previous working experience but the applicant after serving around 20 years in the department has been refused by the authority by raising the issue of not working for 240 days in a year for a period of 10 years.”
6. There being no case made out by the petitioner in the original application for availing the benefit of Memorandum dated 16.09.2011, we find no reason to interfere with the order of the Tribunal rejecting the petitioner's claim for grant of benefit under the said memorandum.
7. The writ petition is, thus, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)