

17.11.2025
(D/L-03)
Ct. No.4
(B.K.N.)

W.P.S.T. 223 of 2025
Sri Ranjit Halder
Vs.
State of West Bengal & Ors.

Ms. Piyali Sengupta,
Mr. Victor Chatterjee

...for the Petitioner

Mr. Swapan Dutta, Ld. G.P.,
Mr. Nilotpal Chatterjee,
Mr. A. Sengupta

...for the State

1. The petitioner was the applicant before the Tribunal in O.A. No. 511 of 2019. The Original Application filed by the petitioner was dismissed by an order dated 19.06.2025, which has been put to challenge in the present writ proceeding.
2. Heard learned advocate for the writ petitioner and the learned advocate for the State.
3. The writ petitioner claims that after his engagement on daily rated basis by an engagement letter dated 02.06.2025 he has continuously worked till July, 2017. According to the case made out before the Tribunal he has performed a minimum of 240 days work in every year for 11 to 12 years and, therefore, became eligible for grant of security of tenure and other benefits contemplated in decision of the Government dated 16.09.2011 in a memorandum no. 9008-F(P). The petitioner is relying upon a memorandum issued as a sequel to the government

decision dated 16.09.2011. The decision relied upon by the petitioner is dated 25.02.2016.

4. Referring to paragraph 3(i) she submits that daily rated workers are entitled to benefits of the government decision dated 16.09.2011. The claim of the petitioner, however, has been considered by the District Magistrate, Hooghly in terms of an order passed on the petitioner's earlier Original Application. The District Magistrate has found the petitioner's claim to be unsustainable since as per records in the office the petitioner was performing duties at the most 15/16 days in a month. The petitioner did not qualify the requirement of at least 240 days in each year as contemplated in the government decision of 16.09.2011 (supra). The petitioner was not found entitled to any benefits thereunder.
5. The learned advocate for the writ petitioner has submitted that the petitioner made a specific claim in his application before the District Magistrate that he had worked for at least 240 days in a year.
6. We have considered the submission of the rival parties. The admitted position is that after July, 2017 no work has been taken from the petitioner. The one and only contemporaneous application is an application dated 28.08.2017 wherein there is no such claim stated by the petitioner of having worked

for minimum 240 days in a year for a period of 10 years. Even the claim made by the petitioner through an advocate on 10.10.2018 (Annexure – F) does not make an emphatic claim for having discharged duties of minimum 240 days for the last 10 years. The petitioner has stated about discharging such duties, but at the same time stated that no payment was made, based on which the petitioner could substantiate such claim.

7. There is nothing on record to show that any objection whatsoever was raised regarding any deficiency in payment made for the work discharged by him during the 11/12 years when he was working as a daily rated casual worker. The petitioner has not been able to show that he fulfilled the requirement of discharging minimum 240 days work in a year for a period of 10 years for availing the benefit of the government decision dated 16.09.2011 (supra) and memorandum dated 25.02.2016 (supra). In the circumstances the decision of the District Magistrate rejecting the petitioner's claim for benefits under these two government decisions requires no interference, as no fault can be found in the same.
8. The Tribunal has in our opinion rightly refused to entertain the petitioner's claim by the impugned

order dated 19.06.2025 passed in O.A. 511 of 2019.

We find no reason to interfere with the same.

9. The writ petition is dismissed.

10. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)