

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – O.A. 391 of 2020

DR. SUDIPTA KUMAR DUTTA Vs **The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>1</p> <hr/> <p>16.10.2020</p>	<p>For the Applicant : Mr. G.P. Banerjee, Advocate</p> <p>For the Respondents: None</p> <p>In this application Dr. Sudipta Kumar Dutta, the applicant, - who joined the West Bengal Health Services Cadre as Medical Officer (Surgery) and posted at Panihati State General Hospital, North 24 Parganas, - has challenged the order of transfer dated 5th October, 2020 transferring him to Balurghat District Hospital, Dakshin Dinajpur, primarily on the ground that he is a Covid-19 patient and though discharged from the hospital, he is still under treatment and weak. Though a representation dated 8th October, 2020 has been filed before the Secretary, Health and Family Welfare Department, Government of West Bengal, Kolkata, the respondent no.1, no steps have been taken for withdrawing the said order of transfer.</p> <p>Mr. G.P. Banerjee, learned advocate for the applicant submits that though the matter is appearing under the heading “New Application” since the applicant is under medication and is on leave, interim order as prayed for may be passed and it may be directed to appear under the heading “Admission Hearing”.</p>	

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	<p>Heard Mr. Banerjee. Perused the application. Let copies of the application along with copies of this order, downloaded from the internet / website, be served on each of the respondents by 6th November, 2020 and affidavit of service be affirmed and filed on the next date of hearing. Let the matter appear under the heading “Admission Hearing” on 25th November, 2020.</p> <p>So far as the prayer for interim order is concerned since we find that the applicant had suffered from Covid-19 and is weak and on leave and has filed a representation dated 8th October, 2020 praying for withdrawal of the order passed on 5th October, 2020, let there be an interim order restraining the Secretary, Health and Family Welfare Department, Government of West Bengal, Kolkata, the Additional Secretary, Health Services (Medical Administration) Branch, Health and Family Welfare Department, Government of West Bengal, Kolkata, the Director of Health Services, Government of West Bengal, Kolkata, the Chief Medical Officer of Health, North 24 Parganas, Kolkata and the Superintendent, Panihati State General Hospital, P.O. : Panihati, Kolkata, the respondent nos.1, 2, 3, 4 and 5 respectively, from implementing the impugned order of transfer dated 5th October, 2020 till 7th December, 2020 or until further order whichever is earlier.</p> <p>We make it clear that pendency of this application will not prevent the Secretary, Health and</p>	

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SCN.	<p>Family Welfare Department, Government of West Bengal, Kolkata, the respondent no.1 to consider the representation in accordance with law.</p> <p>We also make it clear that the interim order passed in this matter will not be governed by the interim order passed by the Special Bench in O.A. 825 of 2019, wherein order has been passed with regard to pending matters where interim orders are already subsisting.</p> <p>Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	