

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 |
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| <p>2</p> <hr/> <p>25.11.2020</p> | <p>For the Applicant : Mr. G.P. Banerjee, Advocate</p> <p>For the Respondents: Mr. S. Ghosh, Advocate</p> <p>The application was taken up on 16th October, 2020 when an interim order was passed restraining the respondent authorities, that is, 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 transferring the applicant from Panihati State General Hospital, North 24-Parganas to Balurghat District Hospital, Dakshin Dinajpur, till 7th December, 2020 or until further order whichever is earlier. It was made clear that pendency of this application will not prevent the Secretary, Health and Family Welfare Department, Government of West Bengal,</p> | |

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Kolkata, the respondent no.1 to consider the representation in accordance with law.

It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that though the Secretary, Health and Family Welfare Department, Government of West Bengal, Kolkata, the respondent no.1 was given liberty to consider the representation, it is yet to be implemented.

It is submitted that the applicant is still suffering from Covid-19 as reflected from the medical examination carried out by the IPG&MER and S.S.K.M. Hospital. Photo copies of the documents in support of the same is furnished today. Let it be kept on the record.

Mr. S. Ghosh, learned advocate for the State respondents submits that though the applicant was directed to appear before the medical board for examination, he is avoiding the same. Submission is direction may be issued upon the applicant to appear before the Medical Board.

In reply it is submitted by Mr. Banerjee that he is yet to receive any order directing him to appear before the medical board constituted by the State authorities.

Since it appears from the submission on behalf of the State respondents that a medical board has been constituted, the Secretary, Health and Family Welfare Department, Government of West Bengal, Kolkata, the respondent no.1, is directed to intimate the applicant about the constitution of medical board within a week from the date of communication of this order downloaded from the internet /

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| SCN. | <p>website and the applicant will appear before the medical board as directed. Before the medical board the applicant is at liberty to rely upon documents regarding his illness and the medical board in its report shall deal with the same.</p> <p>Considering the facts and circumstances of the case and the submission advanced, interim order already passed is extended till 24th December, 2020 or until further order, whichever is earlier. Matter to appear on 23rd December, 2020 under the heading “Admission Hearing”. Pendency of this application or constitution of the medical board will not prevent the respondent no.1 to consider the representation as directed the order dated 16th October, 2020.</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> | |