

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. 602 of 2019

ANGSHUMAN BHATTACHARYA 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>2</p> <hr/> <p>20.08.2019</p>	<p>For the Applicant : Mr. G.P. Banerjee, Mr. S. Bhattacharya, Advocates</p> <p>For the Respondents: Mr. S. Ghosh, Advocate</p> <p>Let affidavit of service filed today be kept on record.</p> <p>In this application, Mr. Angshuman Bhattacharya, the applicant stated to be in the cadre of the WBCS (Executive) under the Personnel and Administrative Reforms Department & e-Governance, (WBCS Cell), Government of West Bengal, has prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">“a) A direction do issue upon the concerned respondent authorities, particularly the Principal Secretary, Personnel and Administrative Reforms Department & e-Governance, (WBCS Cell), Government of West Bengal, the</p>	

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	<p>respondent No.1 herein, to forthwith allow the applicant to join his duties to the post of Joint Secretary, WBCS (Executive) cadre at any place of posting in terms of his representations dated 10.06.2019 and 10.07.2019, both being in Annexure – “C” herein as well as to disburse the arrear salaries from the month of February, 2019 onwards and to command them to act strictly in accordance with law;”</p> <p>It appears that by notification dated 28th January, 2019 the applicant, the Additional District Magistrate of Purba Burdwan was transferred to Uttar Dinajpur as Additional District Magistrate and was subsequently released on 31st January, 2019. As the applicant did not join, the O.S.D & Ex-Officio Joint Secretary to the Government of West Bengal, the respondent no.2, by intimation dated 22nd February, 2019, requested him to join failing which it was intimated that appropriate departmental action would be initiated against him. Thereafter the applicant had filed a representation dated 28th February, 2019 requesting for cancellation of the posting as he was facing physical and mental problems. By intimation dated 19th March, 2019 the applicant was intimated that a Medical Board would be constituted for</p>	

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	<p>examination of the applicant and he should be present failing which departmental action would be taken against him. Subsequently, by intimation dated 26th April, 2019 the applicant was directed to appear before the Central Medical Board, Medical College & Hospital, Kolkata on 30th April, 2019 which the applicant had complied with. The applicant was found medically stable and fit to resume duties as evident from the memo dated 19th June, 2019. In the meantime on 10th June, 2019 the applicant made a prayer to join. It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that the applicant on 10th July, 2019 had filed a fresh representation before the Principal Secretary, Personnel and Administrative Reforms Department & e-Governance, (WBCS Cell), Government of West Bengal, the respondent No.1, making a request to allow him to join. Submission is since the post of Additional District Magistrate, Uttar Dinajpur has been filled up the respondent authorities may be directed to take a decision on the representation dated 10th July, 2019 about his place of posting.</p> <p>Mr. S. Ghosh, learned advocate appearing on behalf of the respondents submits, if directed, the respondent authorities will take decision in accordance with law.</p>	

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SCN.	<p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Principal Secretary, Personnel and Administrative Reforms Department & e-Governance, (WBCS Cell), Government of West Bengal, the respondent no.1, to dispose of the representation dated 10th July, 2019 by passing a reasoned order with regard to joining and place of posting, to be communicated to the parties within three weeks from the date of presentation of a copy of this order, after giving an opportunity of hearing.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	