

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. 934 of 2018

DR. PRADIP KUMAR PORIA & ORS. 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>04.02.2019</p>	<p>For the Applicant : Mr. P.S. Debarman, Advocate</p> <p>For the State Respondent: None</p> <p>Let affidavit of service filed be kept on record.</p> <p>At the very outset, Mr. P.S. Debarman, learned advocate for the applicant prays for leave to add the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal as a party respondent. Prayer is allowed. Leave is granted to add the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal as a party respondent by amending the cause title.</p> <p>Since despite service of notice, none appears on behalf of the respondents, Mr. G.P. Banerjee, learned advocate who normally appears on behalf of the State, is requested to appear in this matter. Learned Legal Remembrancer is directed to regularise the appointment of Mr. Banerjee in this matter. Mr. P.S. Debarman, learned advocate for the applicant is directed to serve a</p>	

ORDER SHEET

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>copy of this application to Mr. Banerjee, which is served and accepted.</p> <p>In this application, the applicants, who are in the West Bengal Homoeopathy Education Services cadre under the Department of Health and Family Welfare, Government of West Bengal, - have prayed for a direction upon the respondents to enhance the age of their superannuation upto 65 years to be at par with the doctors in the West Bengal Medical Education Services as well as Dental Education Service cadres under the Department of Health and Family Welfare, Government of West Bengal to remove discrimination among the doctors regarding the age of superannuation. It is submitted by Mr. Debabarman that though the representation dated 23rd April, 2018 being annexure "L" to the application was furnished before the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, now re-designated as Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal, it has not been considered. Aggrieved this application has been filed.</p> <p>Mr. Banerjee, learned advocate appearing on behalf of the applicant submits that since enhancement of age of superannuation is a policy matter of the Government, the issue can only be decided by the State</p>	

ORDER SHEET

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
SCN.	<p>authorities.</p> <p>Having heard Mr. Debabarman and Mr. Banerjee, learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal, Kolkata, the respondent no.1.A. to dispose of the representation dated 23rd April, 2018 by passing a reasoned order to be communicated to the parties within twelve weeks from the date of presentation of a copy of this order after giving an opportunity of hearing to the applicant no.1 or any other applicant who may be authorised by the applicant no.1 and after verifying the records. It is made clear that since we have come to learn that some of the applicants have been retired their cases will not be considered.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	