

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)****Case No – OA 557 OF 2019****DR. SAMIRAN MANDAL 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 style="text-align: center;">5</p> <hr/> <p>29.08.2019</p>	<p>For the Applicant : Mr. M.N. Roy, Mr. G. Halder, Mr. R.K. Mondal, Advocate</p> <p>For the Respondents: Mr. G.P. Banerjee, Advocate</p> <p style="text-align: center;">Let affidavit of service affirmed on 30<sup>th</sup> July 2019 filed today be kept on record.</p> <p style="text-align: center;">In this application, the applicant, who had joined the West Bengal Health Services (WBHS) on 7<sup>th</sup> July, 2000 as Medical Officer and now posted as Medical Officer, Habra State General Hospital, - has prayed for certain reliefs, the relevant portion of which are as under:</p> <p style="text-align: center;">“(a) An order do issue thereby setting aside / quashing the Memo No. HAB / SGH / 817 dated Habra, the 04<sup>th</sup> July, 2019 issued by the Superintendent, Habra State General Hospital seeking for a reply to “Show Cause Notice” on the alleged ground of unauthorized absence</p>	

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	<p>from service.</p> <p>(b) An order do issue directing the concerned respondent authorities to forthwith issue “Trainee Reserve” facility in favour of the applicant as per Notification No. HF / O/MERT / 508 / ME / TR-07-2012, Kolkata, the 2<sup>nd</sup> day of June, 2015 namely, The West Bengal Medical Education Service, the West Bengal Health Service and the West Bengal Public Health-cum-Administrative Service (Placement on Trainee Reserve) Rules, 2015 or grant “Study Leave” without causing any further delay, particularly within a stipulated time period.”</p> <p>Mr. M.N. Roy, learned advocate for the applicant submits that he is not pressing prayer “(a)” of the application. Referring the West Bengal Medical Education Service, the West Bengal Health Service and the West Bengal Public Health-cum-Administrative Service (Placement on Trainee Reserve) Rules, 2015 it is submitted that as the applicant fulfils the stipulations in</p>	

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	<p>3(a) (ii) (iii) and (iv) of the Rules and as the applicant after having applied for trainee reserve has joined Ramakrishna Mission Seva Prathisthan for pursuing the trainee reserve course, as evident from the intimation sent by the applicant on 30<sup>th</sup> May, 2019 to the Director of Health Services, Department of Health and Family Welfare, Government of West Bengal, appearing at page 30 of the application, appropriate order may be passed.</p> <p>Mr. G.P. Banerjee, learned advocate for the State respondent submits that it appears from the application that the applicant has joined the trainee reserve course at the Ramakrishna Mission Seva Prathisthan without taking no objection from the State authority.</p> <p>In reply it is submitted by Mr. Roy that the Director of Health Services may be directed to consider the representation filed on 30<sup>th</sup> May, 2019 and the prayer for study leave made orally, in accordance with law, after giving an opportunity of hearing.</p> <p>Having heard Mr. Roy and Mr. Banerjee and considering the facts and circumstances of the case, the Original Application is disposed of by directing the Director of Health Services, Department of Health &amp; Family Welfare, Government of West Bengal, Kolkata, the respondent no.2 to dispose of the representation filed</p>	

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SCN.	<p>on 30<sup>th</sup> May, 2019, appearing at page 30 of the application, by passing a reasoned order to be communicated to the parties within four weeks from the date of presentation of a copy of the certified copy of this order after giving an opportunity of hearing and after verifying the records. At the time of hearing the applicant is at liberty to pray for study leave which shall be considered in accordance with law.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	