

**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 682 OF 2018

**DR. SANDEEP KUMAR DE** 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>03.10.2018</p>	<p>For the Applicant : Mrs. J. Dey Advocate</p> <p>For the Respondents: Mr. G.P. Banerjee Advocate</p> <p>In this application, the applicant, a Dental Surgeon in the West Bengal Dental Service, presently attached to Sonamukhi Block Primary Health Centre, under Bishnupur Health District, Bankura, has prayed for a direction upon the Additional Chief Secretary, Department of Health &amp; Family Welfare, Government of West Bengal, Kolkata, the respondent to consider his representation dated 13<sup>th</sup> August, 2018, regarding his transfer from Sonamukhi to any Health Centre nearer to his home at Durgapur, preferably either in Panagarh BPHC or in Mankar RH under Asansol Health District.</p> <p>It is submitted by Mrs. J. Dey, learned advocate for the applicant that as the applicant is a cardiac patient and is severely indisposed, appropriate direction may be issued on the said respondent to consider his case. Submission is though a representation, as noted, was sent</p>	

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	<p>to the respondent, ventilating his grievances, same has not been considered. Aggrieved this original application has been filed.</p> <p>Having heard Mrs. Dey, learned advocate for the applicant and considering the facts and circumstances of the case, this original application is disposed of by directing the Additional Chief Secretary, Department of Health &amp; Family Welfare, Government of West Bengal, Kolkata, the respondent, to dispose of the representation dated 13<sup>th</sup> August, 2018 by passing a reasoned order to be communicated to the parties within ten weeks from the date of communication of this order after giving an opportunity for hearing to the applicant and after verifying the records and after making an enquiry. Since the applicant has stated in the application that he is seriously ill, the said respondent shall consider the matter sympathetically.</p> <p><b><u>Later :</u></b></p> <p>After the order is passed, Mr. G. P. Banerjee, appears and submits on behalf of the State respondent that the applicant has suppressed the fact that he had earlier moved an application, being O.A. 713 of 2017, on the self-same cause of action which was dismissed on merit on 5<sup>th</sup> February 2018. Mrs. Dey submits that since the incident on 24<sup>th</sup> January, 2016, which has been stated in</p>	

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SCN.	<p>the representation dated 13<sup>th</sup> August, 2018 is a fresh cause of action, his client thought it fit to move this application.</p> <p>Heard Mrs. Dey and Mr. Banerjee. As we find that the applicant has not mentioned in the application about the fact of moving an original application before this Tribunal, being O.A. 713 of 2017, which was dismissed on merit on 5<sup>th</sup> February, 2018, we are of the view that the order passed earlier on this day be recalled. Hence, the order passed earlier today is recalled. Since the applicant has suppressed in this application the fact regarding moving earlier an application, being O.A. 713 of 2017, this application is dismissed.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	