

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 782 OF 2018

KRISHNA CHANDRA MAJI 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;">3</p> <hr/> <p>09.01.2019</p>	<p>For the Applicant : Mrs. S. Mitra, Advocate</p> <p>For the Respondents: Mr. S. Ghosh, Advocate</p> <p style="text-align: center;">This is an assigned matter as evident from the notice dated 21st December, 2018.</p> <p style="text-align: center;">Let affidavit of service filed today be kept on record.</p> <p style="text-align: center;">In this application the applicant, - a daily rated contractual worker in the office of the Simla Primary Health Centre, under Khatra Block Primary Health Centre, Bankura, - has challenged the order dated 21st November, 2017, passed by the Director of Health Services and Ex- Officio Secretary, Government of West Bengal, the respondent no.1.</p> <p style="text-align: center;">Be it noted that the said reasoned order was passed pursuant to the directions contained in the order dated 4th July, 2017 passed in W.P.S.T. No. 123 (Krishna</p>	

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	<p>Chandra Maji vs. The State of West Bengal & Ors.).</p> <p>Heard Mrs. S. Mitra, learned advocate for the applicant and Mr. S. Ghosh, learned advocate for the respondents.</p> <p>It appears that the impugned order was passed pursuant to the order passed by the High Court. The relevant portion of the order passed by the High Court is as under:</p> <p style="text-align: center;">“For the reasons discussed above, the impugned order dated 25th June, 2015 passed by the learned Tribunal in O.A. 701 of 2014 is set aside and the Director of Health Services is directed to consider the petitioner’s claim in the light of the observations made in this order and to pass a reasoned order, upon granting an opportunity of hearing to the petitioner. The said order should be communicated to the petitioner within a period of six weeks.”</p>	

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	<p>The relevant portion of the impugned order passed by the Director of Health Services is as under:</p> <p style="text-align: center;">“In compliance with the order of the Hon’ble High Court in WPST No. 123 of 2016 in the matter of Krishna Chandra Maji –Vs-State of W.B. the local authority has to send all particulars of the petitioner to this office of Swasthya Bhawan for recommendation and thereafter the same may be sent to the Finance Dept. For their observation and concurrence.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Since, on scrutiny, it is found that, the Block Medical Officer of Health Simla (Khatra) BPHC, Bankura has supplied only the list of dates of performances of the petitioner for few months of the year 2013; hence, he is instructed to send immediately the residual portion of list of dates of performances of the petitioner. The local authority is also requested to send all other papers of the petitioner, as these are indispensable in this regard,</p>	

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	<p>to this Directorate seeking for recommendation, so that, the same may be sent to Finance Department for their observation and concurrence, after the authority concerned of this Administrative Department is satisfied with the existing Govt. norms.</p> <p style="text-align: center;">Thus the instant case is disposed of.”</p> <p>Though the Director of Health Services was directed to consider the applicant’s claim in the light of the observations made in the order passed by the High Court and though at the time of hearing the Director had directed the local authorities to send all particulars of the applicant for recommendation including the residual portion of the list of dates of performance of the applicant, however, without waiting for the arrival of records the case has been disposed of. In our view since the High Court has directed to consider the claim of the applicant and the consideration should have been on the basis of records and on the basis of such consideration the Director should have come to the final finding, the disposal of the case as seen from the impugned order cannot be supported. Hence, the impugned order dated 21st November, 2017 is set aside and quashed. The application</p>	

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SCN.	<p>is allowed. The Director of Health Services, respondent no.1 is directed to consider and dispose of the matter by passing a reasoned order to be communicated to the parties within six weeks from the date of presentation of a copy of this order on the basis of documents the list of dates and other particulars which are available, after giving an opportunity of hearing and after verifying the records and without being influenced by the order dated 21st November, 2017.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	