

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 837 OF 2018

Sovana Bhattacharjee 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
04 06.08.2019	<p>For the Applicant : Mr. A.K. Jana, Mr. K.D. Das, Learned Advocates.</p> <p>For the Respondent : Mr. S. Ghosh, Learned Advocate.</p> <p>Liberty is given to the applicant to amend prayer of the original application for incorporating the correct number of original application being OA 929 of 2014 instead of OA 99 of 2014 in course of this day.</p> <p>The applicant has prayed for direction upon the respondents for implementation of the judgment and order passed by this Tribunal on July 17, 2015 in OA 929 of 2014.</p> <p>The applicant is a retired Nursing Superintendent. She retired in the year 2012. She moved an application before this Tribunal being OA 929 of 2014 which was disposed of on July 17, 2015. By order dated July 17, 2015 passed in OA 929 of 2014, this Tribunal directed the Director of Health Services (in short, DHS), Government of West Bengal to consider the representation of the applicant on March 14, 2014 in terms of the discussion made by the</p>	

ORDER SHEET

Sovana Bhattacharjee

Form No.

.....

Vs.

The State of West Bengal & Ors.

.....

Case No. **OA 837 OF 2018**

Tribunal in the said order and take a decision after obtaining concurrence of the Principal Secretary to the Government of West Bengal, Department of Finance within a period of eight weeks from the date of receipt of the order.

Mr. Jana, Learned Counsel for the applicant, contends that the representation of the applicant has not yet been considered by the DHS, Government of West Bengal in compliance with the order dated July 17, 2015 passed by the Tribunal in OA 929 of 2014. He further submits that the contempt application filed by the applicant being CCP 84 of 2017 was not pressed for hearing as the same was barred by limitation. The only remedy available to the applicant is to pray for implementation of the order previously passed by this Tribunal in OA 929 of 2014.

Mr. Ghosh, Learned Counsel representing the state respondents, submits that the present application is barred by principles of res judicata. We are unable to accept the contention made on behalf of the state respondents as the applicant has not prayed for any fresh prayer in the present application. The only prayer of the applicant is to implement the previous order passed by the Tribunal in OA 929 of 2014, as the

ORDER SHEET

Sovana Bhattacharjee

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 837 OF 2018**

representation has not yet been considered by the DHS, Government of West Bengal. The applicant could not pursue the remedy by filing contempt application due to delay. Naturally, the present application cannot be barred by principles of res judicata.

In view of our above observation, we direct the respondent no. 1, Director of Health Services, Government of West Bengal to implement the order dated July 17, 2015 passed by this Tribunal in OA 929 of 2014 within a period of 12 (twelve) weeks from the date of communication of the order. The applicant is directed to serve not only the copy of the present order, but also the copy of order dated July 17, 2015 passed in OA 929 of 2014 along with copy of representation submitted by the applicant (Annexure-A to the original application No. 929 of 2014) on the respondent no. 1 by speed post within a period of 1 (one) week from this date.

The original application, thus, stands **disposed of.**

Let a plain copy of this order be supplied to both parties.

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

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Form No.

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