

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. – CCP 42 OF 2019 (OA 779 of 2015)

PARTHA ROY & ANOTHER - Vs - PROF. (Dr.) DEBDAS SAHA, THE MEDICAL SUPERINTENDENT-CUM-VICE PRINCIPAL, MURSHIDABAD MEDICAL COLLEGE & HOSPITAL, GOVERNMENT OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

For the Applicant

: Mr.Soumendra Narayan Ray
Advocate

18

05.07.2023

For the State respondent

: Mr.Sankha Ghosh
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

In terms of the order of the Tribunal dated 03.10.2018, the respondents were directed to refund an amount of Rs. 3,95,817/- to the applicant. During the pendency of this matter, the original applicant, Tagar Roy had died and the name of Partha Roy, her brother was substituted. In compliance, Mr.S.Ghosh, files copies of correspondence from Deputy Director of Health Services, (Nursing) addressed to the Medical Superintendent-cum-Vice Principal, Murshidabad Medical College & Hospital, Berhampore dated 24.04.2023 in which the letter has been directed to release the payment of Rs. 3,95,817/-. Before such payment is to be released, the Medical Superintendent has asked Partha Roy to submit the succession certificate. Submission of Mr.Ghosh, is that such succession certificate has become necessary to follow financial propriety and relevant financial rules and norms.

In response, Mr.S.N.Ray, however, submits that despite clear direction to pay the refund amount to the substituted applicant, that is Partha Roy, the respondent is insisting on submission of succession

ORDER SHEET

Form No.

PARTHA ROY & ANOTHER

Vs.

Case No. **CCP 42 OF 2019 (OA 779 of 2015)**

THE STATE OF WEST BENGAL & OTHERS.

certificate, therefore, is not in conformity with the direction of the Tribunal.

After hearing the submissions of the learned counsels, it is the opinion of the Tribunal that though the Tribunal had directed the respondent to refund the amount to the substituted applicant, however, the Tribunal does not see any harm, if before payment of this amount, succession certificate from the applicant is asked for. In conformity with financial norms and propriety, the Tribunal also feels it is necessary to keep in record the succession certificate and other documents relating to identification of the person receiving such amount. Therefore, let such succession certificate be submitted by the applicant before the respondent. Accordingly, contempt proceedings are dropped and this Contempt application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR