

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)

Case No. – CCP 59 of 2020 [OA 746 of 2018]

Dr. Anup Kumar Sarkar -- **VERSUS** – Smt. Sanghamitra Ghosh, Secy., Women & Child Dev. & Social Welfare Deptt.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Learned Advocate.
	For the Contemnor/OP	: Mr. S.N. Ray, Ld. Advocate.
<u>10</u> 05.09.2022		

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant application has been filed being aggrieved with the non-implementation of the order dated 27.02.2020 whereby the respondent No. 1 was directed to reconsider the entitlement of the applicant to get pre-revised scale No. 19 at par with the Medical Officers of the West Bengal Health Services in terms of Memorandum dated 28.012.2012. The said order was further communicated to the respondent/contemnor, however, vide reasoned order dated 19.02.2021, the respondents/contemnor had rejected the prayer of the applicant on the basis of the observation of the Finance Department that the applicant does not belong to any State constituted service.

The counsel for the respondent/contemnor has submitted that they have complied with the order by way of passing a reasoned order dated 19.02.2021.

However, the counsel for the applicant has vehemently objected to such reasoned order as the said reasoned order has been passed in total violation of the observation as well as letter and spirit of the order dated 27.02.2020. It has been further submitted that in the said order, this Tribunal had already rejected the earlier rejection order and adjudicate the issue of “Not being under the State constituted service” and had specifically opined that the applicant cannot be discriminated not being under the State constituted service.

Therefore, according to the applicant, the aforesaid reasoned order is not at all the compliance to the order dated 27.02.2020.

I have heard the parties and perused the record specifically the order dated 27.02.2020 as well as reasoned order dated 19.02.2021. From the perusal

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of both the orders, it is noted that this Tribunal had clearly held that the applicant cannot be discriminated at the fag end of his career by denying the re-revised scale No. 19 on the ground that his service is not the State constituted service. However, on the said issue, the Finance Department had further observed by negating the claim of the applicant. As no appeal has been preferred by the respondent authority, therefore, in my considered opinion, the order dated 27.02.2020 has not been complied with the true spirit of the judgment. Therefore, the compliance report is not acceptable. However, the contemnor is granted one further opportunity to comply with the order dated 27.02.2020 and file compliance report by the next date.

Let the matter be listed under the heading **“For Orders”** on **11.11.2022.**

URMITA DATTA (SEN)
Officiating Chairperson & Member (J)

CSM/SS