

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – MA 73 OF 2022 (OA 877 OF 2021)

DR. SAJAL BISWAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Sankha Ghosh Mr.Manujendra Narayan Roy Mr.Gourav Halder Mr.Arindam Mitra Advocates
<u>02</u> 19.07.2022			
	For the State respondents	:	Mr. Goutam Pathak Banerjee Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Though the matter, being MA-73 of 2022, has appeared under the heading “To be Mentioned”, it is submitted by Mr.S.Ghosh, learned advocate for the applicant that the matter may be taken up for hearing today along with OA-877 of 2021 appearing today under the heading “Order” to which Mr.G.P.Banerjee, learned advocate for the State respondents does not object.

In view of the submission made by Mr.Ghosh, Miscellaneous application and the Original Application being MA-73 of 2022 and OA-877 of 2021, are taken up for hearing.

In order to appreciate the issue, it is appropriate to set out the relevant prayers in the Original Application, being OA-877 of 2021, which are as under:

“(a) An order do issue thereby set-aside / quash the reasoned order passed by the respondent no.2 communicated vide No. HFW-55015(17)/88/2021-Law Sec A 5540 Dated, Kolkata 01/12/2021 immediately, and after

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setting aside allow your applicant to resume his duties to the post of “Block Medical Officer of Health”, Alipurduar-II by issuing appropriate order and disbursement of salary within a stipulated time period.

(b) An order do issue directing the concerned respondent authorities to allow your applicant to resume his duties with immediate effect and thereafter regularize the absence period since 22.01.2021 by exhausting the leaves credited in the account of your applicant within a stipulated time period.”

In the Miscellaneous Application, being MA-73 of 2022, the applicant prayed for the following orders, the relevant portion of which is as under:

“(a) An order do issue thereby directing the respondent authorities to allow your applicant to resume his duties to the post of “Block Medical Officer of Health” Alipurduar-II or any other suitable post by issuing appropriate order of joining within a stipulated time period, and to dispose of the representation dated 08.06.2022 by passing a reasoned and speaking order upon communication to the applicant.

(b) An order do issue thereby directing the respondent authorities to disburse pending salary and admissible arrear pay and allowances within a stipulated time period.”

Mr.Ghosh, submits since disciplinary proceedings have commenced and the applicant is participating in the said proceedings, he is not pressing

ORDER SHEET

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prayer (a) of the original application. Submission is since after filing of the Original application, the applicant has submitted a representation dated 8th June, 2022 for resumption of duty before the Director of Health Services and Ex-Officio Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no. 3, appropriate order may be passed.

Mr.Banerjee, submits since the applicant is not pressing prayer (a) of the original application and has prayed for consideration of the representation filed on 8th June, 2022 before the respondent no. 3, if directed, the said respondent shall consider the same in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case and as prayed for on behalf of the applicant, the original application being OA-877 of 2021 and the MA-73 of 2022 are disposed of by directing the Director of Health Service and Ex-Officio Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no. 3 to dispose of the representation filed on 8th June, 2022 by the applicant, appearing at page 20 of the Miscellaneous Application, by passing a reasoned order to be communicated to the parties within eight weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing, after verifying the records and after considering the relevant rules governing the field.

(SOUMITRA PAL)
CHAIRMAN

BLR