

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. - OA 301 OF 2024

SUPRIYO DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicants : Mr. K. Alam,
and Advocate
Date of
order

For the State Respondents : Mr. G.P. Banerjee,
Advocate

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13.12.2024

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.

The prayer in this application is for a direction to the respondent authorities to quash the impugned order dated 28.02.2024 passed by the Director of Medical Education and memo dated 09.03.2024 passed by the Principal, College of Medicine & Sagore Dutta Hospital, Kamarhati, Kolkata and allow the applicant to join his initial post of Demonstrator in the Department of Biochemistry.

The Tribunal in OA 94 of 2023 had directed the Director of Medical Education to examine his claim and take a final decision as per Rules. In view of such direction, the Director of Medical Education passed a reasoned order dated 28.02.2024.

Dr. Supriyo Das, the applicant had been working under WBMES since 18.12.2012 as Demonstrator in the Department of Biochemistry at College of Medicine & Sagore Dutta Hospital, Kamarhati, Kolkata. On 31.01.2023, the applicant had furnished a representation before the Director of Medical Education, primarily requesting refund of Rs.20,38,453/- and another amount of Rs.5,00,000/-. It appears he had joined the MD course in Gynaecology with TR facility, but left mid-way on 26.07.2016 and during the period from 04.08.2017 to 08.05.2019, he remained absent from duties. Thereafter, on his own, he joined the College of Medicine & Sagore Dutta Hospital to pursue Pharmacology from 08.05.2019. It is not clear after completion of the MD course in Pharmacology in 2022, whether the applicant had joined any post or not.

Mr. K. Alam, learned counsel appearing on behalf of the applicant has submitted that the applicant was forced to pay an amount of Rs. .20,38,453/- for the financial year, 2017-2018, 2018-2019 and 2019-2020 towards overdrawn salary and was forced to pay

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another amount of Rs.5,00,000/- towards bond money.

It appears that he had attended his duty from 2016 to June 2017 at Medical College, Kolkata as MTTR [MS(G&O)] and after that he stopped attending from July, 2017 to April, 2019. As he had not completed the MTTR (Dept. Of G&O) course for the session 2016-2019 and remained unauthorisedly absent for 1 year, 9 months and 12 days during the session, he had deposited bond money of Rs.5 lakh before releasing the documents. After that, the applicant, by appearing in NEET PG 2019, took admission in the MD Pharmacology course as an open candidate by submitting original educational documents and a declaration regarding non-submission of Bond without taking any formal permission from the Department. The applicant did not submit his working statement for a long period, but his salary was disbursed upto December, 2019. By a memo dated 08.06.2021, the applicant was directed to deposit Rs.20,38,453/- as overdrawn salary for the financial year, 2017-2018, 2018-2019 and 2019-2020, which was deposited by the applicant on 12.05.2022. Due to non-submission of bond, the authority withheld his stipend since his joining.

The relevant Rules 4 (1), 4 (1) (ii) and 4 (3) stipulated in West Bengal Public Health-cum-Administrative Rules, 2005, which are applicable are as follows :

“4. Execution of bond – (1) The Medical Officers of the West Bengal Health Service, the West Bengal Medical Education Service and the West Bengal Public Health cum Administrative Service shall have to execute a bond in triplicate prior to proceeding on trainee reserve, to such effect that they shall serve in their respective cadre or service or in any of them (subject to the provisions of other rules in force) for a minimum period of three years or the date of superannuation, as the case may be, for two years or lesser duration courses, and five years or the date of superannuation, as the case may be in case of three years post-graduate course or postdoctoral degree courses and, for minimum period of ten years or the date of superannuation, as the case may be in the case of courses of more than three years, on return from trainee reserve, failing which such officer(s) shall refund to the State Government the amount of money, in the manner prescribed below:-

(ii) for post-graduate courses of three years duration – fifteen Lakh rupees.....

(3) Any officer who discontinues or drops out of any post-graduate course in which he had been placed on trainee reserve, has to refund the amount of money as specified in

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sub-rule (1) and shall forgo any further privilege of being placed on trainee reserve, and the period which he has spent on trainee reserve shall be adjusted against his admissible leave.”

From the submissions of Mr. Alam and Mr. Banerjee, learned counsels, it has become clear to the Tribunal that the applicant, having availed the benefit of T.R. facility for joining the course of MD in Gynaecology, later, without approval of the competent authority, abandoned the course mid-way, remained absent unauthorisedly and without permission from the competent authority, joined MD in Pharmacology on his own volition. Further, he has not joined or expressed his wish to join the Department. The respondent authority was correct in taking such decision and it was very well within the rules. From this observation, it is clear to the Tribunal that the prayer in this application has no merit and therefore, it is disposed of without any orders.

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

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL