

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

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

**Case No. OA – 514 of 2022**

**Ilori Barik Sil - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.  
and  
Date of order  
3  
19.09.2022

For the Applicant : Mr. K. Basu,  
Advocate

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

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536 – WBAT / 2J-15/2016 dated 26<sup>th</sup> 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 termination order dated 13.06.2022, by which the extension order of her contractual tenure was granted up to 30<sup>th</sup> June, 2022 was cancelled and her contractual engagement as Associate Professor was terminated with effect from 25<sup>th</sup> April, 2022 (a.m.) vide Memo. dated 25.04.2022 (Annexure 'A-7'). As per the applicant, she was initially appointed as Assistant Professor of Psychiatric Social Work on contractual basis with a consolidated monthly pay in pursuance to Memo. dated 23.10.2013 vide order dated 01.04.2015 (Annexure 'A-2') for a period of one year. However, time to time her tenure for service was extended and ultimately vide Memo. dated 01.09.2020 she was further appointed to the post of Associate Professor of Psychiatric for the period from 01.09.2020 to 31.03.2021. Subsequently her term was again extended vide Memo. dated 18.03.2021 for the period of three months from 1<sup>st</sup> April, 2022 to 30<sup>th</sup> June, 2022 (Annexure 'A-5'). During this period one allegation was made by some of the students before the Human Rights Commission and as per their recommendation, the applicant was served with a Caution Notice dated 11.02.2022 (Annexure 'A-4').

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It has been further submitted by the counsel for the applicant that though his service tenure was extended by the Directorate of Medical Education up to the period of 30<sup>th</sup> June, 2022 vide order dated 18.03.2022, however, all on a sudden, without granting any opportunity, her service has been terminated vide order dated 25.04.2022 along with the cancellation of the extension order dated 18.03.2022. As per the applicant, it amounts to clear violation of natural justice as no reasons has been shown for such curtailment of tenure, though similarly situated persons were granted one year extension tenure.

During the course of the hearing, the counsel for the applicant has also drawn my attention to the extract of the IFMS Portal of HRMS system, wherein against his HRMS I.D., Last Day of service has been shown as 30.09.2032, as per the Clause 3(i) of Finance Department Memo. No. 1107-F(P) dated 25.02.2016. Therefore, the counsel for the applicant has prayed that such termination is not sustainable and she may be granted some interim protection by way of keeping one post vacant subject to the outcome of the O.A.

However, the counsel for the respondent has vehemently objected to such interim protection. It has been further submitted by the counsel for the respondent that as per the terms and conditions of the contractual employment, one month notice or in lieu of that one month salary has been stipulated for either parties and in that case the respondents have rightly terminated her service as per terms and conditions of the contractual employment. It has further submitted that this is a termination simpliciter, as no stigma has been mentioned in the said Order of termination, therefore, court should not entertain the O.A. Mr. G.P. Banerjee has further submitted that Circular of 25.02.2016 is not applicable in the case of the applicant as it relates to the Group-C and Group –D staff order. Therefore, he has also opposed interim protection.

I have heard the parties and perused the records. It is noted that the

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applicant was appointed as contractual basis basically for a period of one year. However, as per last contractual appointment order dated 01.09.2020 she was appointed for the period of 01.09.2020 to 31.03.2021 as Associated Professor. Subsequently, her contractual tenure was further extended for a period of three months from 1<sup>st</sup> April, 2022 to 30<sup>th</sup> June, 2022 vide order dated 18.03.2022. However, vide Order dated 25.04.2022, his service was terminated along with the cancellation of the order dated 18.03.2022. On query, the counsel for the respondent is not in a position to submit the reasons for such preponment of extension period.

In view of the above, the respondents are directed to file reply by four weeks and rejoinder, if any, by two weeks thereafter. In the interim, the respondents are directed not to fill up one Associate Professor post without leave of the court.

Let the matter be listed on **24.11.2022** before the Registrar Bench under the heading '**Reply, Rejoinder and Objection**'.

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

A.K.P.