

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 613 of 2022

Santosh Kumar Hazra - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>3</u> 02.12.2022	For the Applicant	: Mr. S. Ghosh, Mr. A. Mitra, Advocates
	For the Respondents	: Mr. G.P. Banerjee, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 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.

Mr. S. Ghosh, appearing on behalf of the applicant, submits that the respondent by rejecting his application has not complied with the Tribunal's order. The Tribunal in his order dated 26.11.2021 had directed the respondent to pass a reasoned order in the light of judgement passed in Asim Kumar Chakraborty (supra). It appears that the respondent i.e. Secretary, Department of Health and Family Welfare in compliance with the Tribunal's reasoned order appearing at page 33 and 34, in which the application was rejected by stating that the above case law of Asim Kumar Chakraborty (supra) differs from the present case. Mr. Ghosh in his submission states that the respondent was wrong in this regard. He submits that on the next date he will submit before the Tribunal a copy of the judgement of Asim Kumar Chakraborty (supra) and mention how both

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cases are similar in nature.

Mr. Banerjee, appearing on behalf of the respondent, submits that as noted by the respondent in his reasoned order that the case law of Asim Kumar Chakranborty (supra) is not similar to this case and he also prays for time so that on the next date he will furnish a statement which will show that both the cases differ from each other.

Let the matter appear on 06.03.2023 under the heading ‘Admission Hearing’.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P