

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. OA – 857 of 2021

Dr. Pradip Kumar Poria & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. P.S. Deb Barman, Mrs. S. Agarwal, Advocates
<u>3</u> 28.04.2022	For the Respondents	: None.

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.

With the consent of applicant, the matter has been taken up for hearing.

The instant application has been filed praying for a direction to the respondents to implement the recommendation of the Additional Chief Secretary to enhance the age of superannuation of the Doctors in West Bengal Homoeopathic Education Service to the age of 65 years at par with the Doctors in West Bengal Medical Education Service as well as West Bengal Dental Education Service. As per the applicants, they had moved one application of this Tribunal in O.A. No. 94 of 2018, whereby this Tribunal vide their order dated 04.02.2019 had directed the Additional Chief Secretary, Health and Family Welfare Department to dispose of the representation of the applicants by passing a reasoned and speaking order.

In compliance to that order, the Additional Chief Secretary, Department of Health and Family Welfare had passed order dated 27.03.2019, wherein it has been stated that in a similar case in O.A. 1346 of 2013, the case of Dr. Somenath Saha was already recommended to the Government for consideration. Therefore,

Form No.

Dr. Pradip Kumar Poria & Others

Vs.

Case No. **OA – 857 of 2021**

THE STATE OF WEST BENGAL & ORS.

there is no need of separate recommendation as the decision is still awaited.

During the course of the hearing, the counsel for the applicant has fairly submitted that it would suffice their purpose if the Chief Secretary be directed to take final decision on behalf of the Government to the applicants within a stipulated period of time. Though affidavit of service has been filed, however, none appears for the respondents.

I have heard the counsel for the applicants and perused the records. In pursuance to the order passed by this Tribunal in 2019 passed in O.A. 934 of 2018. The Additional Chief Secretary, Deptt. of Health and Family Welfare has passed the following order:

“Accordingly, Applicant No. 1, Dr. Pradip Kumar Poria accompanied by Dr. Pratap Chandra Pal and Dr. Monsur Habibullah Gazi attended the hearing and pleaded for consideration of their representation dated 23.04.2018.

Representation of the applicants was considered in a similar way as followed in the case of dr. Somnath Saha –Vs- State of West Bengal in O.A. No. 1346 of 2013. It is to say that the prayer of enhancement of age of superannuation of Homoeopathic Teachers have already been recommended to the Government for consideration. No separate recommendation is necessary in this instant case.

Thus the representation of Dr. Pradip Kumar Poria is disposed of. The reasoned order be served upon Dr. Proia & other applicants.”

Since the competent authority is to take final decision, therefore, Chief Secretary is directed to communicate the decision of the competent authority to

ORDER SHEET

Form No.

Dr. Pradip Kumar Poria & Others

Vs.

Case No. **OA – 857 of 2021**

THE STATE OF WEST BENGAL & ORS.

the applicants considering recommendation of the Additional Chief Secretary as stated in his order dated 27.03.2019 and to communicate the same by way of a reasoned and speaking order within a period of eight weeks from the date of the receipt of the order. Accordingly, the O.A. is disposed of with no order as to cost.

Let a copy of the order be kept on record.

URMITA DATTA (SEN)
MEMBER (J)

A.K.P.