

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 1007 OF 2017

PRASANTA RAY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr.Goutam Pathak Banerjee Advocates
	For the State respondents	: Mr. Sankha Ghosh Advocate
<u>18</u> 18.02.2022		

Though the matter has appeared under the heading “To be Mentioned”, Mr.G.P.Banerjee, learned advocate for the applicant submits since the matter is pending since 2017, it may be taken up for hearing and necessary order be passed to which Mr.S.Ghosh, learned advocate for the State respondents does not oppose.

In this application, Prasanta Ray, the applicant, a Medical Technologist - X-Ray, has prayed for certain reliefs, the relevant portion of which is as under:

“a) A direction do issue upon the concerned respondent authorities, particularly upon the Director of Health Services, West Bengal, the Respondent No. 2 herein, to forthwith set aside/cancel/rescind/ withdraw /revoke the impugned Reasoned Order dated 09.08.2016 issued by him in compliance of the solemn order of this Hon'ble Tribunal dated 08.04.2016 passed in O.A. No. 401 of 2014 togetherwith the Order of Termination dated 05.02.2014 of the applicant, both being Annexure- ‘B’ herein and further to direct them to allow the applicant to resume his regular duties with a grant of consequential service benefits including arrears and to command them to act strictly in accordance with law;”

The relevant portion of the order under challenge passed by the Director of Health Services, West Bengal, the respondent no. 2, pursuant to the order of the Tribunal delivered on 8th April, 2016 is as under:

“Thus, going through all the relevant records, papers and

ORDER SHEET

Form No.

PRASANTA RAY

Vs.

Case No. : OA 1007 OF 2017

THE STATE OF WEST BENGAL & ORS.

documents between the lines, I am of the opinion that the petitioner's claim in the said representation is not just and fails to maintain in conformity with the Rule as stated above in details. I, therefore, do not find any infirmity in the order of termination of service of the petitioner with immediate effect by the Respondent Authorities and, accordingly, I do not find any ground to interfere with the said order of termination."

The order under challenge refers to certain observations in the order of the Tribunal, which is as under:

".....it appears from the reply that the Intelligence Branch of W.B. received the verification roll of the applicant only on 27/07/2009. Thereafter, the I.B. of West Bengal made their best effort to trace out the Carmel Medical Institute at Ernakulam under Carmel Medical Society of India, but the address was not traced out. There is no existence at any point of time according to the averments made in the reply. Astonishingly the applicant has not reviewed the facts by filing any rejoinder/affidavit and, as such, accepted the contentions of the reply impliedly."

(Page 36 of the Original Application)

It appears from the said order that the applicant was "*found unsuitable for the post*" (page 35 of the Original Application). In our view, since the institution, which has issued the certificate to the applicant is not traceable in spite of the efforts made by the I.B. of West Bengal, which the applicant had relied on during his service career, no order can be passed on the application. Therefore, the application is dismissed.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

ORDER SHEET

Form No.

PRASANTA RAY

Vs.

Case No. : **OA 1007 OF 2017**

THE STATE OF WEST BENGAL & ORS.

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