

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN &**

HON'BLE SAYEED AHMED BABA, **ADMINISTRATIVE MEMBER.**

Case No. – OA 11 of 2019.

DR. RAJARSHI CHAUDHURI- VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant : Mr. S. Mustaphi,
Advocate.
For the State respondents : Mr. G.P. Banerjee,
Mr. B.P. Roy,
Advocates.

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11.5.2022

In this application Rajarshi Chaudhuri, the applicant has prayed for several reliefs, the relevant portion of which is as under :-

“a).....An order or direction do issue directing the Respondents to consider the case of the applicant and to regularise the service of the applicant upon absorption to the post of Senior Ayurvedic Medical Officer.

b) An order or direction to issue directing the Respondents to take immediate steps and to regularise the service of the applicant in the post of Senior Ayurvedic Medical Officer.

c) An order or direction do issue directing the Respondents to consider relaxation of the age of the applicant so that he can appear before the interview process for Selection for appointment, of Senior Ayurvedic Medical Officer by taking into consideration of his experience and qualification....”.

The applicant, who is at present working as lecturer in Pancha Karna Institute of Post Graduate Ayurvedic Education and Research at Calcutta under the Directorate of Ayurvedic Department of Health and Family Welfare, Government of West Bengal, was engaged on 16th August, 2012 as Senior Ayurvedic Medical Officer on contractual basis. It is submitted by Mr. S. Mustaphi that as an advertisement has been issued for recruitment to the post of Senior Ayurvedic Medical Officer on 9th October, 2018, appropriate order may

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be passed for regularisation of the applicant as he has crossed the age of forty years which is the maximum age for appointment.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that the decision regarding regularisation of a contractual staff which amounts to taking a policy decision, is within the domain of the State authorities. Moreover, as the selection process pursuant to the advertisement is over, no order may be passed.

We find regularising the appointment of the applicant is within the jurisdiction of the executive as it pertains to taking a policy decision by the State. Hence, the application is disposed of by granting liberty to the applicant to file a representation praying for regularisation of his service as Senior Ayurvedic Medical Officer, annexing the copies of relevant documents, before the Joint Secretary (Ayush) to the Government of West Bengal, Department of Health & Family Welfare, Salt Lake, Kolkata, - the respondent no. 4, within four weeks along with a copy of this order downloaded from the website of the Tribunal. If representation is filed, same shall be disposed of by the Joint Secretary (Ayush) to the Government of West Bengal, Department of Health & Family Welfare, Respondent no. 4 within eight weeks by passing a reasoned order to be communicated to the parties after giving an opportunity of hearing and after verifying the records.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

Skd.

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