

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. OA - 160 of 2024

Dr. Susmita Ghosh - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

03
03.10.2024

For the Applicant : Mr. A. Pal,
Mrs. Ananya Neogi,
Learned Advocates.

For the State Respondents : Mrs. Sunita Agarwal,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Mr. Pal, learned counsel appearing on behalf of the applicant has drawn my attention to the copies of certificates annexed in the supplementary application by which the Principal of Burdwan Medical College and Hospital had certified that the applicant Dr. Susmita Ghosh, the Physiotherapist had also taken classes of Diploma in Physiotherapy. One certificate issued by Professor Bijoy Mukherjee certifies such lectureship during 2004-05 Sessions. Another certificate issued by Professor T.K. Ghosh and Professor Subodh Bhattacharya certifies such lectureship during 2004-05 Sessions to work as a Lecturer. Neither in these certificates nor by any prayer it reveals that any kind of honorarium or financial benefit will be extended for teaching as a Lecturer in Physiotherapy. In the meantime on 31.03.2024, the applicant superannuated.

Mrs. Agarwal, learned counsel argues that the prayer in the original application for giving appointment to the applicant as a Lecturer in Physiotherapy. Mrs. Agarwal has also pointed out that such appointment to the post of Lecturer cannot be given without following proper selection process. In the mean time, the applicant has also superannuated and during her service, she did not participated in any

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selection process.

Having heard the submissions of the learned counsels and examination of the records in this application, it is evident to this Tribunal that the applicant was appointed as a Physiotherapist by an order dated 06.06.1995 and she continued to serve in this post till her superannuation on 31.03.2024. It is also clear to the Tribunal that besides performing her duties as a Physiotherapist, mere performing the duties as a Lecturer in Physiotherapy does not entitle her neither to such a post nor any financial benefits. The documents shown as proof of her working as a Lecturer is only "To whom it may concern" certificates issued by the Head of the Hospital. These are not proper entitlement letter including the applicant to the post of Lecturer. Hence, in view of the above observation, the Tribunal fails to find any merit in this application and thus disposed of without passing any orders.

(SAYEED AHMED BABA)

OFFICIATING CHAIRPERSON AND MEMBER (A)

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