

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

**Case No. - OA 189 of 2021**

Subrata Kumar Panda - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. A. Hati, Ms. P. Roy (Mishra), Ms. N. Sharma, Advocates.
<u>2</u> 19.04.2021	For the State respondents	: Mr. S. Ghosh, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under sub-section (6) of Section 5 of the Administrative Tribunals Act, 1985.

As prayed for by Mr. A. Hati, learned advocate for the applicant, leave granted to correct the typographical errors in the application.

In this application, Subrata Kumar Panda – the applicant has prayed for certain reliefs, the relevant portion of which is as under :

“..... a) *An order directing upon the Respondents, specifically the Respondent No. 5 to allow the applicant to resume and / or join his duty as Pharmacist at Sreerampur Rural Hospital, District Purba Bardhaman with immediate effect.*

b) *An order directing upon the Respondents to release his payments accrued due during this time.*

c) *A order directing upon the Respondents to consider the representations dated 14.12.2020.”*

It appears that the applicant was appointed in the post of Pharmacist Group A and had joined on 28<sup>th</sup> April, 1995 and was posted at Shivpur Primary Health Centre in the district of Bardhaman. Thereafter, he was

Form No.

Case No. **OA-189 of 2021**

---

**Vs.**

The State of W.B. & Ors.

---

transferred to Sreerampur Rural Hospital in Purba Bardhaman and is posted there. He had suffered various ailments including mental agony and was under treatment. It has been stated that due to his illness he could not continue his service since 1<sup>st</sup> July, 2018 and is under medical leave with intimation to the authority. In the mean time, he had filed an application for voluntary retirement. Ultimately, an original application was filed being OA 57 of 2020, Subrata Kumar Panda – versus – The State of West Bengal & Others, which was dismissed as not pressed. It has been stated that since the doctors have found him fit and have permitted him to join duty, a representation dated 14<sup>th</sup> December, 2020 was furnished and another representation was sent on 28<sup>th</sup> January, 2021. Though representations have been made for allowing him to join his duty, those have not been considered. Aggrieved this application has been filed.

It is submitted by Mr. S. Ghosh, learned advocate for the State respondents that, if directed, the respondent authorities will consider the representations in accordance with law. Mr. Ghosh submits that a notice regarding this application was sent under wrong cause title as it has been mentioned as OA 57 of 2020 in place and instead of OA 189 of 2021. Further, in the representation which was sent on 28<sup>th</sup> January, 2021, it has been wrongly stated as OA 57 of 2019 instead of OA 57 of 2020.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case and as prayed for on behalf of the applicant, the application is disposed of by directing the Director of Health Services, Government of West Bengal, the respondent no. 3, to dispose of the representation dated 14<sup>th</sup> December, 2020 and

**ORDER SHEET**

SUBRATA KUMAR PANDA

Form No.

Case No. **OA-189 of 2021**

---

**Vs.**

The State of W.B. & Ors.

---

representation appearing at page 24 of the application which was sent on 28<sup>th</sup> January, 2021, by passing a reasoned order to be communicated to the parties within 15 weeks from the date of presentation of a copy of this order downloaded from the internet / website, after giving an opportunity of hearing and after verifying the records.

(SOUMITRA PAL)  
CHAIRMAN

Rajib