

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

**Case No. - OA 262 of 2021**

Dr. Jaydip Dey - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. K. Bera, Advocate.
<u>2</u> 13.08.2021	For the State respondents	: Mrs. S, Agarwal, 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 and 456-WBAT/2J-15/2016 dated 16<sup>th</sup> July, 2021 issued in exercise of the powers conferred under sub-section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Since despite service of notice, none appears on behalf of the State respondents, Mrs. S. Agarwal, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the original application be served on him which is served and accepted.

The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mrs. S. Agarwal.

Since it is submitted by Mr. K. Bera, learned advocate for the applicant that pursuant to the order dated 24<sup>th</sup> March, 2021, copies of the application have been served on the State respondents, he is directed to file affidavit of service in the registry of the Tribunal in course of this day.

In this application, the applicant, Senior Ayurvedic Medical Officer

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posted at State Ayurvedic Dispensary, Sulkapara at Luksan P.H.C., Jalpaiguri, has prayed for certain reliefs, the relevant portion of which is as under :-

*“(a) The respondents and each one of them their agents and/or subordinates be directed to consider the representation of the applicant by allowing his prayer for change of place of posting in the District of Purulia on humanitarian ground considering the ill-health condition of his father being 75 years old aged person who suffered from Mild cerebral atrophy and advised with medicines alongwith physical assistance and also considering the ill health condition of the mother of the applicant who is suffering from hypertension.*

*(b) Ad-interim Order to transfer him immediately to the place mentioned in prayer (a) from and release him to join at the transferred place from Sulkapara at Luksan P.H.C., Jalpaiguri so that the applicant can render his duties sincerely.”*

It is submitted that though a representation dated 23<sup>rd</sup> January, 2020 with a prayer for change of place of posting in the home district at Purulia was served on the Director of Ayurveda, the Directorate of Ayurveda, Government of West Bengal, appearing at page 19 of the application, it has not been considered. Aggrieved this application has been filed. Mr. Bera submits that direction may be given on the respondents to consider the said representation dated 23<sup>rd</sup> January, 2020.

Mrs. Agarwal submits if directed, the respondent authorities will consider the matter in accordance with law.

Having heard Mr. Bera and Mrs. Agarwal and considering the facts

**ORDER SHEET**

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and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary, Department of Health and Family Welfare, respondent no. 2(i) to dispose of the said representation dated 23<sup>rd</sup> January, 2020, appearing at page 19 of the application, by passing a reasoned order to be communicated to the parties within a period of fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving opportunity of hearing and after verifying the records.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)  
CHAIRMAN

Rajib