

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 275 OF 2023

SANTI BARMAN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mrs. Sunita Agarwal, Advocate
For the Respondents : Mr. Soumitra Narayan Ray, Advocate

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01.12.2023

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.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the order passed by the Additional Chief Secretary on 13.02.2021.

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

“ a) A mandatory order directing the respondent to cancel, rescind and/or withdraw the impugned order dated 13.02.2021 passed by the Additional Chief Secretary, Government of West Bengal, Department of Health and not to give any effect or further effect to the same and also to direct the said authority to pay all arrears fallen due in favour of the applicant pursuant to the Government orders issued from time to time together with interest @ 10% per annum till the date of actual payment and to act in accordance with law.”

The relevant portion of the impugned order, passed by the respondent no. 1 in compliance of this Tribunal's direction dated 26.09.2019 in O.A. 18 of 2019, is as under:

“After due consideration of facts and circumstances stated above, the undersigned is of the opinion that the applicant is not entitled to get the enhanced remuneration as per FD GOs vide No.-4011-F(P) dated 20.05.2013 and No.1107-F(P) dated 25.02.2016.

Hence the prayer of the applicant is considered and rejected.”

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After examination of the records, it is clear that the applicant does not meet the requisite eligibility criterias to get benefit from these notifications. For instance, the applicant has not completed ten years continuous service with at least 240 days attendance each year. Further, it is an admitted position that the applicant could not produce any proof of being appointed against a sanctioned post.

Having heard the learned counsels for the parties and after examination of the records, this Tribunal does not find any reason to cancel, rescind and/or withdraw the reasoned order and pass any direction upon the respondents. Hence, no order is passed on this application. This application is disposed of without any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL