

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.
& The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-278 of 2022.

Dr. Tapan Kumar Ghosh. – Versus – The State of West Bengal and Others.

Serial No. and Date of order	For the Applicant	:	Mr. G. Haldar, Mr. S. Bhattacharyya, Advocates.
<u>02</u> 13.05.2022.	For the State Respondents	:	Mr. G. P. Banerjee, Advocate.

At the very outset, since we find despite service of notice none appears on behalf of the State respondents, Mr. G. P. Banerjee, 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 by Mr. S. Bhattacharyya, learned advocate on record for the applicant which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

In this application, Dr. Tapan Kumar Ghosh – the applicant, who is now working as In-Charge of Physiotherapy unit at Burdwan Medical College and Hospital in addition to his normal duty of a Physiotherapist, has prayed for certain reliefs, the relevant portion of which is as under :

“(a) An order do issue directing the respondent authorities to appoint your applicant as “Assistant Professor” in Physiotherapy under them within a stipulated time period considering the service rendered by the applicant herein.

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(b) An order do issue directing the concerned respondent authorities to confer the status of “Ad-hoc appointee” at least so that your applicant after his retirement from service would be entitled to receive retiral benefits enabling him to pass his winter yours of life peacefully.

(c) An order do issue directing the respondent authorities to dispose of the representations pending before them by passing a reasoned and speaking order after giving an opportunity of hearing and to communicate the decision thereof within a short time period of time.”

Mr. G. Haldar, learned advocate appearing on behalf of the applicant, submits since the applicant is going to superannuate in this month, that is on 31st May, 2022, the respondents may be directed to consider and dispose of the representations dated 30th July, 2021 and 20th September, 2021 praying for absorption in teaching cadre, addressed to the Director of Medical Education, Department of Health and Family Welfare, Government of West Bengal, - the respondent no. 3.

Mr. Banerjee submits, if directed, the respondent authorities will consider the representation in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Secretary, Department of Health and

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Family Welfare, Government of West Bengal – the respondent no. 2, to dispose of the representations dated 30th July, 2021 and 20th September, 2021 addressed to the Director of Medical Education, Department of Health and Family Welfare, Government of West Bengal, - the respondent no. 3, by passing a reasoned order to be communicated to the parties after giving an opportunity of hearing within a week from the date of furnishing a copy of this order downloaded from the website of the Tribunal, after verifying the records and taking note of the submission made in paragraph 4(xii) of the original application.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.