

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

**Case No. - OA 306 of 2019**

**DR. BIKRAM PANDA - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. Asim Hati, Miss. Nandini Sharma, Advocates
<u>18</u> 25.04.2022	For the Respondents	: Mr. Gautam Pathak Banerjee, 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.

In this application, Dr. Bikram Panda, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:-

*“(a) To set aside and/or quash and / or rescind to compliance report dated 03.12.2018 and / or to computation of period of service stated in the compliance report 03.12.2018.*

*(b) An order do issue directing the Respondent authorities to release the arrear of payments of stipend since August, 2011 to July, 2012, with 18% interest.*

*(c) an order do issue directing the respondent authorities to issue the House staffship completion certificate in favour of the applicant forthwith.*

*(d) To issue exemplary cost in favour of the respondents due to put him mental harassment*

**ORDER SHEET**

Form No.

**DR. BIKRAM PANDA.**

---

Vs.

**THE STATE OF WEST BENGAL & ORS.**

---

Case No. **OA 306 of 2019**

*and financial hardship.*

- (e) *An order do issue directing the respondent No.6 to forthwith disburse the legitimate claims of the applicant.”*

It appears that earlier the applicant had moved the Tribunal on the self-same issue by filing an application being O.A. 408 of 2012 and the Tribunal “whereupon in disposing of the same with a liberal view an order was passed on 08.08.2012 granting liberty to the applicant to approach the Director of Medical Education and Ex-Officio Secretary, West Bengal to consider entitlement of the applicant as per Rule for getting stipend for the period as claimed.” It has been alleged that as the authority did not take any decision, the applicant again filed an original application, being O.A. 1137 OF 2014 which was disposed of on 3<sup>rd</sup> June, 2015 with “Again a direction, upon the D.M.E. and ex-officio Secretary West Bengal to take a decision as directed earlier by this Tribunal in O.A. 408 / 12 within a period of three months from the date of communication of the decision to the applicant within a period of one month.....”

It appears that directions were issued for filing reply and rejoinder. Reply and Rejoinder have been filed and are on record.

Mr. Asim Hati, learned advocate for the applicant submits that though the State respondents submitted that the directions in O.A. 408 of 2012 were complied with and a compliance report was filed, however, it has been challenged in the instant original application.

Mr. Gautam Pathak Banerjee, learned advocate appearing on behalf of the State respondents, relying on the reply, particularly paragraph 4 thereof, submits that the application is not maintainable as the post of the applicant – Stipendiary

**ORDER SHEET**

Form No.

**DR. BIKRAM PANDA.**

Vs.

**THE STATE OF WEST BENGAL & ORS.**

---

Case No. **OA 306 of 2019**

House Staff neither belongs to any group or cadre of service under the State nor a civil post in the State which was also submitted during the hearing of O.A. 408 of 2012. It is submitted by Mr. Banerjee stipend has already been disbursed which is disputed by Mr. Hati.

SCN. Since the emphatic statement that the post of the applicant under Stipendiary House-Staff is not a civil post in the State is not disputed by the applicant in paragraph 4 of the rejoinder, no order is passed on the application. The application is disposed of. However, it shall not prevent the State respondents to release the allowances, if not already released.

(SOUMITRA PAL)  
CHAIRMAN