

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 478 OF 2024

NIRALA RAI - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Saurav Bhattacharjee, Mrs. Subarna Das, Learned Advocates
	For the State Respondents	:	Mr. Debabrata Kole, Learned Advocate

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19.02.2025

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.

The prayer in this application is for setting aside the impugned order dated 14.08.2024. The impugned reasoned order was passed by the Director of Health Service in terms of an order passed by the Tribunal in O.A. 72 of 2024. Earlier the applicant had prayed for allowing her to avail the benefits of Trainee Reserve facility for undertaking the GNM course for 2022-2025.

The previous application of the applicant, being O.A. 72 of 2024, was disposed of by this Tribunal directing the Director of Health Services to take the final decision after considering the Tribunal's two observations. In terms of such a direction, the Director of Health Services passed a reasoned order which was also communicated to the applicant by memo No.1081 dated 16.08.2024. The reasoned order regretting granting Trainee Reserve facility to the applicant to undergo the GNM course during 2022-2025 is being assailed in this application before the Tribunal. The Director in its reasoned order had recorded few reasons to support his decision that Trainee Reserve facility cannot be accorded to the applicant. It is a fact that the applicant had prayed for such Trainee Reserve to undergo GNM course of 2022-2025 well before the cut off date of 10.03.2023. However, the respondent authorities had not taken any decision for granting such facility to the applicant. Be that as it is, the Tribunal is aware that these are not only administrative matters of the Department, but such decisions are the sole discretion of the respondent authorities. It is also to be appreciated that at this late hour, it would be futile to join a course which had already commenced in 2022 and will conclude this year in 2025. The intended benefit from undergoing such three-year course would not serve any purpose if the applicant is to join when 75% of the studies are already completed. However, the fact, as noted above, cannot be ignored that the applicant had

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furnished an application well on time on 24.08.2022. Since it is too late in the day to join the GNM course of 2022-2025, the Tribunal passes a direction to the respondent No.2, the Director of Health Services to accord them the facility of trainee reserve to undergo the GNM course if such Trainee Reserve facility is made available to their category in future. It becomes the responsibility of the respondent authorities to consider them for such facility whenever the next round of such Trainee Reserve facility is made available to the categories of employees the applicant belongs to.

With the above direction, the application is disposed of.

SCN.

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

WEST BENGAL ADMINISTRATIVE TRIBUNAL