

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 632 of 2021

*Sima Halder* - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	: Mr. M. Chakraborty,
and		Mr. M.A. Elahi,
Date of order		Advocates.
<u>06</u>	For the State Respondent	: Mr. G.P. Banerjee,
02.08.2022		Mr. S. Bhattacharya,
		Advocates.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Sima Halder, the applicant, ANM of D/Narayanpur Sub-Centre has challenged the order dated 4<sup>th</sup> September, 2017 directing her to perform duties at Nakali Sub-Centre in the same capacity from 5<sup>th</sup> September, 2017 until further order. Prayer has also been made to release the salaries and emoluments withheld. It is submitted by Mr. M. Chakraborty, learned advocate for the applicant since the applicant is suffering from many ailments, appropriate order as prayed for, may be passed.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that at present, the applicant is performing duties at Nakali Sub-Centre pursuant to the order dated 4<sup>th</sup> September, 2017. Moreover, nothing is due and payable with regard to the salaries and emoluments to the applicant. In support of his submission regarding transfer, Mr. Banerjee has relied on the judgment in State of U.P. v. Gobardhan Lal : (2004) 11 SCC 402 particularly, the law laid down in paragraphs 7 and 8 thereof.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, since the applicant is admittedly working at Nakali Sub-Centre as directed by order dated 4<sup>th</sup> September, 2017, the question of reinstatement of her service at D/Narayanpur Sub-Centre does not arise and

**ORDER SHEET**

*Sima Halder*

Form No.

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also in view of the judgment in State of U.P. v. Gobardhan Lal (supra). So far as the release of salaries and emoluments allegedly withheld, the applicant is at liberty to file representation ventilating her grievances before the Chief Medical Officer of Health, Diamond Harbour, the respondent no. 3 within eight weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal. If representation is filed, same shall be disposed of by the respondent no. 3 by passing an order to be communicated to the parties within eight weeks after giving an opportunity of hearing and after verifying the records.

**(SOUMITRA PAL)**  
**CHAIRMAN**

CSM/SS