

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 654 OF 2023

SIRAJ SK. & ORS. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. Suman Banerjee,
and Advocate
Date of For the State Respondents : Mr. D. Kole,
order Advocate

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12.06.2024

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 applicants have prayed for a direction to the respondent authorities to regularise their services in the post of Medical Technologist (Optometry) under the West Bengal Sub-ordinate Health Services. Mr. Banerjee submits that the applicants have been working in the post continuously and to the full satisfaction of the Department for more than ten years. Submission is that such prayer for regularisation has merits for the applicants possess all the required essential qualifications and over the years also have gained sufficient experience as MT(O)s. Further, they were selected against sanctioned vacant posts.

In response, Mr. Kole, learned counsel refers to one of the appointment letters issued by the Deputy Chief Medical Officer of Health II, Darjeeling dated 25.02.2013 and submits that this application is not admissible for the reason that such appointment is not an appointment as a government employee. Their appointments were made by the WBSH&FW Samity which is not strictly a government entity.

Mr. Banerjee disagrees with Mr. Kole that such appointment is not an appointment made by the Government. He refers to a copy of the advertisement dated 14.10.2011 by which such posts were filled up by the Directorate of Health Services. Mr. Banerjee feels that by a simple reading of the advertisement it gives a clear impression that such posts are under the government and moreover, this

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advertisement does not indicate that such appointment will be made by and on behalf of the WBSH&FW Samity.

The question of admissibility of this application in this Tribunal has to be examined. Let a clearly-worded reply be filed by the State respondents on the next date. Let a copy of such reply be served upon the other side and if so wished, rejoinder be filed before the next date.

Let the matter appear under the heading "Admission Hearing" on 06.01.2025.

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

SCN.

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