

**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 739 OF 2023**

**BIMAN MAHATO - Vs - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and  
Date of order

For the Applicants : Mr.S.Ghosh  
Advocate

01  
19.12.2023

For the State respondents : None

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to reinstate the applicant in the post of Lab Technician. It appears from the submission and the records that Purulia Government Medical College & Hospital issued an advertisement No. 424 dated 02.06.2020 inviting applications for the post of Lab Technicians. The post of Lab Technicians was to be filled up through Walk-In-Interview. The applicant appeared for such interview and was successful and by an order No. 510 dated 02.07.2020, the Principal, Purulia Government Medical College & Hospital engaged the applicant and others in the post of Lab Technicians on a temporary basis for a period of 3 (three) months in the Covid-19 testing Lab. After the purpose of this Covid-19 testing Lab was over, the service of the applicant as Lab Technician was discontinued.

Mr.S.Ghosh, learned counsel for the applicant submits that though the service of the applicant has been discontinued from the Covid-19 testing lab, but in the meantime, the same respondent has issued an advertisement on 04.04.2023 to fill up the post of Laboratory

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Technicians. Submission is that the respondent may be directed to re-engage the applicant in the post of Lab Technicians issued by the advertisement dated 04.04.2023.

After hearing the submission of the learned counsel and on examination of the records in this application, the Tribunal finds that such prayer to reinstate the applicant for the post for which an advertisement has been issued is not admissible. In the same post, the applicant was engaged and his service was discontinued after the Covid - 19 testing Lab was wound up. The new advertisement for engagement of Lab Technicians issued on 04.04.2023 is a separate advertisement and not a continuation of the earlier one. Therefore, he cannot make any claim to be engaged on the basis of his past service. The applicant is at liberty to apply and participate in the new selections process.

Accordingly, the application is disposed of without passing any orders.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR