

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 740 OF 2023

UDAY SANKAR GORAI - 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 23rd 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 the Office of the Chief Medical Officer of Health & District Health & Family Welfare Samiti, Purulia issued an advertisement No. 94 dated 11.05.2020 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. 625 dated 21.05.2020, the Secretary District Health & Family Welfare Samiti, Purulia engaged the applicant and others in the post of "MT-Lab" on a contract basis under Covid-19. After the purpose of this Covid-19 was over, the service of the applicant as "MT-Lab" 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

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issued an advertisement on 04.04.2023 to fill up the post of Laboratory Technicians. Submission is that the respondent may be directed to re-engage the applicant in the post of Laboratory 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