

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman**

**The Hon'ble Sayeed Ahmed Baba, Administrative Member**

**Case No. – OA 881 of 2018 : Dr. Kuntal Ghosh & Ors. – versus- The State of West Bengal & Ors.  
OA 882 of 2018 : Dr. Pradip Biswas & 5 Ors. – versus- The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicants	: Mr. Manujendra Narayan Roy, Mr. Shaon Bhattacharya, Advocates
<u>11</u> 21.03.2022	For the State Respondents	: Mr. Gautam Pathak Banerjee, Advocate

The O.A. 881 of 2018 and O.A. 882 of 2018 have come up in the list today under the heading “To Be Mentioned”.

It is submitted by Mr. Manujendra Narayan Roy, learned advocate appearing on behalf of the applicants, on instruction from his clients, who are present in the Tribunal, that the matters may be taken up for hearing today to which Mr. Gautam Pathak Banerjee, learned advocate for the State respondents does not oppose.

The issues in both the applications – O.A. 881 of 2018 and O.A. 882 of 2018 – issues are similar. In the first application there are nine applicants and in the second application there are six applicants. The prayers are also common. For the sake of clarity and brevity the relevant portion of prayer in O.A. 881 of 2018 is set out hereunder :

*“(a) A direction do issue upon the respondents, their servants and agents to withdraw and cancel the impugned advertisement dated 9-10-2018 in Annexure S*

*(b) A direction do issue upon the respondents to grant consequential benefit to the applicants to continue with their services till retirement.”*

It is submitted by Mr. Roy, learned advocate that he is not pressing

prayer (a) of the application. Submission is the State had issued an advertisement dated 24<sup>th</sup> January, 2012, being Annexure “A” to the application, containing a notice for walk-in-selection of Senior Ayurvedic Medical Officer for engagement on contractual basis at the selected State Ayurvedic Dispensary of Bankura, Purulia, Paschim Medinipur districts. The applicants participated. Submission is as after being successful in the said selection process they have been engaged on contractual basis and are working approximately for ten years, direction may be issued for regularising their appointments. Since by memorandum dated 31<sup>st</sup> March, 2008 the Department of Health and Family Welfare have regularised the appointments of eleven Ayurvedic Doctors, appropriate direction may be issued upon the respondents to regularise their appointments and also in view of the law laid down in the State of Karnataka vrs. Uma Devi : 2006 (4) SCC 1. It is submitted that liberty may be granted to the applicants to file representations before the respondents for regularising their appointments.

Mr. Banerjee submits that since in both the original applications there is no statement for regularising the appointments of the applicants and no prayers have been made, no order may be passed for regularisation.

Having heard the learned advocates for the parties and as submission has been made on behalf of the applicants in both the applications that liberty may be granted on the applicants to file representations for regularising their appointments, considering the submission, the applications are disposed of by granting liberty to each of the applicants to file representations separately praying for regularisation of their appointments before the Principal Secretary, now Secretary, Health and Family Welfare Department, Government of West Bengal, Kolkata, the respondent no.1, within four weeks along with a copy of this order downloaded from the website of the Tribunal. If representations are

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filed by the applicants separately within the time as stipulated, the  
SCN. respondent no.1 shall dispose of the same separately by passing reasoned  
orders to be communicated to the parties within fifteen weeks after  
considering the judgement in Uma Devi (Supra) and the memorandum  
dated 31<sup>st</sup> March, 2008.

On the prayer of Mr. Roy and Mr. Banerjee the applications, being  
MA 182 of 2019 in connection with O.A. 881 of 2018 and MA 179 of  
2019 in connection with O.A. 882 of 2018, which are on record, are also  
treated as on day's list and are also disposed of.

(SAYEED AHMED BABA)  
MEMBER (A)

(SOUMITRA PAL)  
CHAIRMAN