

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Mr. Sayeed Ahmed Baba, Member (Admn.)

Case No. –OA 930 of 2021

Gopal Adhikary & Another - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>02</u> 06.04.2022	For the Applicants For the State Respondent	: Mr. J.K. Ghosh, Advocate. : Mr. G.P. Banerjee, Advocate.
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Since despite service of notice, none appears on behalf of the State respondents, Mr. G.P. Banerjee, learned advocate who normally represents the State respondents is requested to appear in this matter. Let a copy of the original application be furnished on him which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

In the application, Gopal Adhikary and Badal Chandra Patra, the applicants, have prayed for certain reliefs, the relevant portion of which is as under :

“a) An order may be passed directing the concerned Respondent Authorities particularly upon the Chief Medical Officer of Health, Paschim Medinipur, the respondent No. 3, herein, to consider the case of the Applicants for appointment on regular/permanent basis in the light of the letter dated 14.05.2020 and 24.04.2019 issued by the Block Medical Officer of Health, Garhbeta-II Kwakole Rural Hospital District Paschim Medinipur under Memo. No. 139 datd 14.05.2020 and memo No. CMOH-PM/PA/6224/1(1) dated 24.04.2019 being Annexures-6 and 8 herein, within a stipulated period of time and to command them to strictly in accordance with law.

b) A Direction upon the respondent Authorities not to give effect or further effect to any erroneous decision and not to disturb the regular duties of the applicants. ”

It appears that the applicants were appointed in the pulse polio

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programme for Kewakole BPHC in the year 2005 and had been entrusted with different works. Thereafter, in the year 2011, they were appointed as Sweeper on temporary basis and are continuing on daily wage basis as Sweeper-cum-Multipurpose Workers. It has been stated that as the applicants are poor and have no other source of income and are unable to maintain their family by the salary drawn, they had filed several representations for being absorbed in the job permanently and lastly on 23rd April, 2019. It has been stated that the Chief Medical Officer of Health, Paschim Medinipur, the respondent no. 3 by memo dated 25th April, 2019 addressed to the Block Medical Officer of Health, Kewakole Rural Hospital, Garhbeta-II, Paschim Medinipur, the respondent no. 4 directed him to go through the applications of the applicants and also directed to submit a report in detail at an early date. Submission is that since the applicants have filed representations for being absorbed on a permanent basis, appropriate order may be passed upon the respondents to consider the same for being absorbed in the job on a permanent basis.

Mr. J.K. Ghosh, learned advocate appearing on behalf of the applicants submits that the respondents may be directed to consider the matter regarding the absorption of the applicants on a permanent basis at an early date.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits, if directed, the respondent authorities will consider the matter in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicants to file separately representations afresh ventilating their grievances before the Chief Medical Officer of Health, Paschim Medinipur, the respondent no. 3 along with copies of this order within four weeks. If representations are filed separately, the said respondent no. 3 shall dispose of the same by passing reasoned orders separately to be communicated to

ORDER SHEET

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the parties within eight weeks after giving an opportunity of hearing and after verifying the records.

(SAYEED AHMED BABA)
Member (A)

(SOUMITRA PAL)
CHAIRMAN

CSM/SS