

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member(J)

The Hon'ble Mr. P. Ramesh Kumar, Member(A)

Case No – CCP- 55 OF 2017.Arunangshu Bhattacharya. Vs Mr. Rajeeva Sinha, A.C.S., Health & Family Welfare Deptt., Govt. of W.B.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>03</p> <hr/> <p>18/12/2018</p>	<p>For the Applicant : Mr. M.N. Roy, Mr. G. Halder, Advocates.</p> <p>For the State Respondents: Mr. Sankha Ghosh, Advocate.</p> <p><i>The counsel for the applicant has submitted that though repeated opportunities was granted to the respondents but the order dated 18.05.2017 has not yet been complied. However, vide another reasoned order dated 04.10.18 the Additional Chief Secretary, Department of Health & Family Welfare had advised him to prefer representation afresh before the Joint Secretary (MA), Department of Health & Family Welfare for special consideration on medical ground though in the original order dated 18.05.17, this Tribunal had directed them to take decision after fulfilling the necessary criteria.</i></p> <p><i>The counsel for the contemnors has filed another compliance report dated 14.12.2018 and we have gone through the compliance report. It is found that the direction was given to the Principal Secretary, Department of Health & Family Welfare to take decision. It is noted that this Tribunal vide</i></p>	

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Deptt., Govt. of W.B.

Form No.

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	<p><i>their dated 18.05.17 had directed inter alia;</i></p> <p><i>“ After having heard Shri Roy for the Applicant and Shri Ghosh for the Health Department, as it is found the issue is settled, the Application has accordingly to be disposed of. As such, the Principal Secretary to the Government of West Bengal, Department of Health 7 Family Welfare is kindly requested to take a decision in respect of the pending prayer of the Applicant within a period of 3(three) weeks from the date of receipt of this Order after ensuring the necessary criteria for this purpose is fulfilled.</i></p> <p><i>The Application is accordingly disposed of.”</i></p> <p><i>From the perusal of the said compliance report, it is noted that the said compliance report has been filed by one Director of Health Services but not by the contemnor and that too without any affidavit. Therefore, this compliance report cannot be accepted. Further, there is no question of preferring a fresh prayer as the order dated 18.05.2017 has clearly indicated to ensure necessary steps before taking any decision.</i></p>	

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GM	<p><i>However, the counsel for the contemnors has prayed for a last chance to take appropriate steps for compliance of report. Prayer is allowed. The contemnors is directed to file appropriate compliance report by four (04) weeks after complying the order, otherwise contemnors should be present before the court on the next date.</i></p> <p><i>Let the matter be listed on 18.01.2019.</i></p> <p>P. RAMESH KUMAR MEMBER(A) URMITA DATTA (SEN) MEMBER(J)</p>	