

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

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – CCP- 82 OF 2017

DR. SAMIR RANJAN DAS & ORS. Vs Dr. Ajoy Chakraborty, Director of Health Services & Ex-Officio Secretary, Government of West Bengal & Ors.

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>5</p> <hr/> <p>30.11.2018</p>	<p>For the Applicant : Mr. G.P. Banerjee Advocate</p> <p>For the Contemnor / : Mr. S. Ghosh Opposite Party Advocate</p> <p>This is a contempt application filed on 5th September, 2017, alleging deliberate and wilful violation of the directions contained in the order dated 16th March, 2017 passed by the Tribunal in O.A. 1061 of 2016 (Dr. Samir Ranjan Das & Ors. vs. The State of West Bengal & Ors.) for not complying with the said order within the time as specified. The contempt application came up for hearing on 18th September, 2018 when the Tribunal directed the applicant to serve a copy of the amended copy of the contempt application on Dr. Ajay Chakraborty, Director of Health Services & Ex-Officio Secretary, Government of West Bengal, the alleged contemnor, along with the gist of the order dated 18th September, 2018 and the matter was directed to appear today. It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that after copy was served, the alleged contemnor has passed the order dated 15th November,</p>	

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	<p>2018 without complying with the specific directions contained in the order dated 16th March, 2017 in O.A. 1061 of 2016. Submission is that though by the said judgement dated 16th March, 2017 the memo was set aside and the Director of Health Services and the Director of Medical Education were requested to reconsider their decisions in the respective matters in the light of the judgement dated 3rd January, 2017 in the case of Dr. Ashok Kumar Maiti in O.A. No. 346 of 2015, however, from a perusal of the order passed it is palpable that the said Judgement was not considered at all and the prayer of the applicants was rejected. Submission is that since the order passed on 15th November, 2018 is not in compliance with the directions contained in the order dated 16th March, 2017, passed in Original Application No. 1061 of 2016, it may be set aside and a direction may be issued on the alleged contemnor to pass an order afresh in the light of the directions passed by the Tribunal.</p> <p style="text-align: center;">Mr. S. Ghosh, learned advocate appearing on behalf of the alleged contemnor appearing along with Mr. R.K. Mondal, learned advocate submits that the order is just and proper.</p> <p style="text-align: center;">Perusing the order dated 15th November, 2018 we find that the directions contained in the order dated 3rd January, 2017 passed in O.A. No. 346 of 2015, which was</p>	

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SCN.	<p>directed to be considered by order dated 16th March, 2017, was not considered at all. Hence the order dated 15th November, 2018, passed by the Director of Health Services, is set aside and quashed. The alleged contemnor is directed to consider the matter afresh and shall pass a reasoned order within eight weeks from the date of presentation of a copy of this order in the light of the order dated 16th March, 2017, passed in Original Application No. 1061 of 2016 after giving an opportunity of hearing to the applicant. Let the matter appear under the heading “For Orders” on 6th March, 2019.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	