ORDER SHEET WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Urmita Datta (Sen)Member (J) &CCP-05 OF 2018Hon'ble P. Ramesh Kumar, Member (A)

	Gopal Chandra Barman & Ors. <u>Vs</u> Mr. Sukumar Dey, CMOH	
Serial No. and	Order of the Tribunal with signature	Office action with date and dated signature
Date of order. 1	2	of parties when necessary
⊥	For the applicant : Mr. Partha Sarkar	3
<u>02</u> 06.07.2018	Learned Advocate.	
00.07.2018	For the respondent : Mr. Sankha Ghosh, Learned Advocate.	
	The instant application has been filed	
	praying for compliance of the order dated 30.6.2017	
	whereby the following order was passed :-	
	After having heard the	
	Learned Advocate for the applicant and	
	the Health Department the application is	
	disposed of with a direction upon the	
	C.M.O.H., Balurghat to take a decision in	
	respect of the representation made by	
	the applicants before him on 12.08.2015	
	on the basis of the circular No. 9008-F(P)	
	dated 16.09.2011 issued by the Special	
	Secretary, Finance Department and other	
	continuing circulars thereto, if applicable,	
	within a period of six weeks from the date	
	of receipt of this order. Before any	
	decision is taken the applicants would be	
	given an opportunity of hearing and	
	thereafter the said decision be	
Page /1		

ORDER SHEET

Form No.

Vs.

Serial No. and	Mr. Sukumar Dey, CMO Order of the Tribunal with signature	Office action with date
Date of order.	2	and dated signature
1		of parties when necessary 3
02	communicated to them forthwith.	5
06.07.2018		
	However, during the pendency of the	
	contempt petition, the contemnors had communicated	
	one order dated 25.04.2018, wherein it has been	
	observed inter alia :-	
	" It was also be mentioned that, the	
	undersigned is very much	
	sympathetic to those poor paid	
	workers, who have been serving this	
	Department since long and already	
	taken steps for sanctioning benefits in	
	purview of the Circular No. 9008-F(P)	
	dated 16.09.2011 issued by the	
	Special Secretary, Finance	
	Department. As, the sanctioning	
	authority is in the part of State, the	
	undersigned is waiting for reply from	
	appropriate authority at present.	
Page /2	It is not out of place to mention that,	

Form No.

Gopal Chandra Barman & Ors

Vs.

	Mr. Sukumar Dey, CMO	H, Dakshin Dinajpur
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
02 02.07.2018	being duty bound government official, the undersigned have to intension to violate and contempt the order of the Hon'ble Judges. "	
	The counsel for the applicant has further submitted that though the contemnor has taken a favourable view in favour of the applicants, but no final decision has been taken in this regard, which woud be evident from the communication of the sanctioning authority which clearly stated that the final decision has to be taken by the appropriate authority as	
	communicated in the said order. Therefore, it cannot be termed as a full compliance of the Tribunal's order. However, the counsel for the respondents/contemnors has submitted that they have complied with the order by way of taking decision and has already communicated the same to the applicant.	
	Heard the parties and perused the order. It is noted that though the contemnor has taken a	
Page /3	favourable view in favour of the applicants, however, as	

ORDER SHEET

Gopal Chandra Barman & Ors

Vs.

Serial No. and Date of order. 1	Mr. Sukumar Dey, CMO Order of the Tribunal with signature 2	 H. Dakshin Dinajpur Office action with date and dated signature of parties when necessary 3
02 06.07.2018	per his own averments, he, (CMOH) not being a sanctioning authority cannot take the decision. Therefore, in our view, though there is no such deliberate violation on the part of the contemnors, however, till date no final decision has been taken and/or communicated to the applicants. Therefore, one more chance is granted to the contemnor to take final decision and communicate the same to the applicants and file full compliance report by the next date.	
	Let the matter be listed on 20.08.2018.	
	P. RAMESH KUMAR URMITA DATTA (SEN) MEMBER (A) MEMBER (J)	
sc		

ORDER SHEET

Form No.

Gopal Chandra Barman & Ors

Vs.

Mr. Sukumar Dey, CMOH,	Dakshin Dinainur
min bukumar bey, cmon,	Dakshin Dinajpu

	MIR. SUKUMAR Dey, CMO	
Serial No. and	Order of the Tribunal with signature	Office action with date
		and dated signature
Date of order.	2	of parties when necessary
1		
Ŧ		3
L	1	