

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. **CCP – 17 of 2018**

*Dr. Debasis Bhattacharyya, Director of Medical Education
& Ex-Officio Secretary, Health & Family Welfare
Department, Government of West Bengal and another.*

Dr. Ankan Bandyopadhyay

Versus

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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09
06/07/2018

For the Contempt Petitioner : *Mr. D.N.Ray,
Mr. S. Ghosh,
Learned Advocates.*

For the Contemnor O.P : *Mr. G. P. Banerjee
Learned Advocate.*

The applicant has prayed for issuance of the contempt rule for willful violation of order dated January 10, 2018 passed by this Tribunal in OA No. 4 of 2018. It is relevant to quote paragraph 10 of the order dated January 10, 2018 passed in OA No. 4 of 2018, which is as follows :

“Upon hearing the submissions of both the sides and also on perusal of the materials on records, this Tribunal is of the opinion that in the facts of the present case, the Applicant is bound by the terms and conditions of the bond that he executed at the time of availing of the TR facility while undergoing the DM course. Accordingly, he is to serve the State Government for a continuous period of three years. Within this bond period, it is for the State Government to consider and take a view in regard to his prayer to pursue yet another programme. Whether the Government would agree to release him to join the fellowship programme or not and if so under which terms

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	<p><i>are essentially matters of discretion of the Government. However, in taking a decision on this issue, the Government as a model employer must be objective and fair with due regard to the provisions of the extant rules, past practices in similar cases as well as public interest. The Tribunal, therefore, feels that it would be proper to dispose of the matter by directing the Respondents, in particular Respondent no. 2, namely, Director of Medical Education and Ex-Officio Secretary, Health and Family Welfare Department, Government of West Bengal to consider the representations of the Applicant dated 15-12-2017 and 29-12-2017 and take a decision within two weeks from the date of receipt of this order. Before taking the decision as directed, the Applicant should be given an opportunity of being heard. A copy of the decision so taken shall be communicated to the Applicant within three days thereafter.”</i></p> <p><i>On perusal of the above direction given by this Tribunal, it appears that the Tribunal gave direction to the contemnor to consider the representations of the applicant dated December 15, 2017 and December 29, 2017 and to take a decision as to whether the applicant can avail of TR</i></p>	

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	<p><i>facility for undergoing Fellowship Programme for one year in Interventional Pulmonology & Thoracic Oncology at Rajiv Gandhi Cancer Institute and Research Centre, Delhi from January 1, 2018 onwards without serving for a period of three years for which he has already executed a bond while availing previous TR facility for undergoing DM course in Pulmonary and Critical Care Medicine at Post Graduate Institute of Medical Education and Research, Chandigarh in July, 2014 on consideration of provisions of the rules, past practices and similar cases as well as public interest.</i></p> <p><i>The contemnor submitted one reasoned order dated February 3, 2018 which is already on record. The contemnor has submitted further compliance report today by placing on record subsequent order dated July 5, 2018.</i></p> <p><i>Having heard Learned Counsel representing both parties and on consideration of the orders passed by the contemnor, we are of the view that the contemnor has taken decision in accordance with the rules, past practices and similar cases as</i></p>	

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Rajat	<p><i>well as public interest in compliance with the direction given by the Tribunal. Accordingly, the contempt application stands disposed of.</i></p> <p><i>Let a plain copy of this order be supplied to both parties.</i></p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

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