ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'bleMrs.UrmitaDatta (Sen), Member(J)
The Hon'bleMr. P. Ramesh Kumar, Member (A)

Case No – CCP-197 of 2016.

Dr. Bikram Panda. Vs The State of West Bengal& Others.

Serial No. and Date of order.1	Order of the Tribunalwith signature 2	Office action with date and dated signature of parties when necessary 3
13 -------------------- 12-12-2018	For the Contempt Petitioners : Mr. A. Hati, Mr. A. N. Ghosh, Advocate. For the Contemnor O.P. : Mr. G. P. Banernee, Advocate. The instant application has been filed being dissatisfied with the non action on the part of the contemnor/respondent in complying with the order dated 03-06-2015 passed in OA-1137 of 2014. The Counsel for the contemnor/respondent has filed one compliance report/order dated 03-12-2018 and has submitted that they had already complied with the order and CCP may be dropped. However, the Counsel for the applicant has submitted that the contemnor/respondent has yet not been complied with the order. Heard the parties and perused the documents. It is noted that this Tribunal vide their order dated 08-08-2012 passed in OA-408 of 2012 has not been considered with. We have heard both the parties and perused the records. It is noted that this Tribunal vide their order dated 03-06-2015 passed in OA-1137 of 2014 held inter alia :- "We find that the relief sought for cannot be	

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	granted as the Director of Medical Education and Ex-officio Secretary has not taken any decision over the issue as to whether the petitioner is at all entitled to get stipend for the period as claimed by him. Until and unless such decision is taken, the question of granting relief as sought for cannot be considered and allowed. Considering the factual background of this case, we again direct the Director of Medical Education and Ex-officio Secretary to take a decision as directed earlier by this Tribunal in OA-408/12 within a period of three months from the date of communication of this order and communicate the decision to the applicant within a period of one month thereafter. With the direction above, we dispose of the application". Further this Tribunal in earlier occasion vide their order dated 08-08-2012 has held inter alia :- "On hearing both the sides, we dispose of this application by taking a liberal view with liberty to the petitioner to approach the Director of Medical Education and Ex-officio Secretary, West Bengal to consider whether he petitioner is entitled to get his stipend for the period he is claiming as per Rule and if the answer is in the affirmative to take steps for release of the legal claim within a short period. Plain copy to both the sides".	

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	On perusal of aforementioned orders, it is noted that the order dated 03-06-2015 had directed the Director of Medical Education and Ex-Officio Secretary, West Bengal to take a decision. Further from the perusal of the order dated 08-08-2012 passed in OA-408 of 2012, it is noted that the Tribunal had granted liberty to the applicant to approach before the Director of Medical Education and Ex-officio Secretary, West Bengal to consider whether the petitioner is entitled to get his claim or not. Therefore the contemnors were directed to consider the case of the applicant with regard to the period of his claim and if the contemnor/respondent would find the entire period as claimed by the applicant in affirmative way, they had to take appropriate steps. The latest compliance report/order dated 03-12-2018 stated inter alia :- "Now, in compliance to the Order dated 26-09-2018 passed by the Hon'ble WBAT, in CCP-197 of 2016 arising out of OA-1137 of 2014(Dr. Bikram Panda – Vs – Dr. Debasish Bhattacharya, D.M.E., Govt. of W.B), as referred to above and after carefully considering the entire facts and circumstances of the case, that the prayer for release the arrear payment of stipend from August, 2012 to July, 2014 and other consequential benefits, is considered and is hereby ordered dated 12-10-2018 to pay a sum of Rs. 1486/- (Rupees one thousand four hundred eighty six) only which has	

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	already been disbursed to Dr. Bikram Panda, Ex-House Staff through his Bank Account No. 33546887133 of State Bank of India, Vide Bill No. 322 Dt. 30-08-2018. Thus, the matter is disposed of ". From the perusal of aforesaid report/order, it is found that though the applicant has claimed for arrear payment of stipend from August, 2012 to July, 2014. However, as per the contemnor/respondent they have disburse a sum of Rs. 1,486 (Rupees one thousand four hundred eighty six) only on the basis of two days. As substantial compliance has been made, the contempt petition is dropped. Notices are discharged. However if the applicant is still aggrieved with computation of period, he is at liberty to challenge the same, if so advice. **P. RAMESH KUMAR URMITA DATTA (SEN)** **MEMBER(A) MEMBER(J)**	
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