

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

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

Case No – MA – 174 of 2019 and MA. 174 of 2019 (arising out of OA 667 OF 2017)

SUSANTA MAL Vs The State 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>8</p> <hr/> <p>05.09.2019</p>	<p>For the Applicant : Mr. S. Ghosh, Advocate</p> <p>For the State Respondent: None</p> <p>Despite service of notice none appears on behalf of the State respondent. Perused the application of Miscellaneous Application No. 174 of 2019 in connection with Original Application No.667 of 2017 for condoning the delay in moving the application being M.A. 173 of 2019 for recalling the order dated 9th August, 2018 passed in O.A. No. 667 of 2017 : Susanta Mal versus The State of West Bengal & Others.</p> <p>Heard Mr. S. Ghosh, learned advocate for the applicant. Perused the application for condoning the delay in moving the application, being M.A. 173 of 2019. Causes shown are sufficient. Therefore, the delay of 339 days in moving the application being M.A. 173 of 2019 is condoned. The Miscellaneous Application No. 174 of 2019 is allowed.</p> <p>The Miscellaneous Application No. 173 of 2019 for recalling the order passed on 9th August, 2018 in</p>	

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	<p>Original Application, being No. 667 of 2017 is taken up for hearing.</p> <p>Mr. S. Ghosh submits that since the applicant has not yet joined the transferred post and as the transfer from Ranipur Primary Health Centre under Hatimari RH, Malda to Bhutnidiara Primary Health Centre, under BMOH, Manikchak RH, Malda is causing hardship, the order passed on 9th August, 2018 be recalled.</p> <p>Perused the order dated 9th August, 2018, the relevant portion of which is as under:-</p> <p>“Having heard Mr. Banerjee, and Mr. Ghosh, and considering the facts and circumstances of this case, this application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances before the Chief Medical Officer of Health, Malda, Respondent no. 2 within four weeks from the date of presentation of a copy of this order if he has joined the transferred post. If such representation is filed, the same shall be disposed of by the respondent no. 2 by passing a reasoned order to be communicated to the parties within</p>	

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SCN.	<p>eight weeks after giving an opportunity of hearing.”</p> <p>Since we find that the said order was passed after hearing the learned advocates for the parties we decline to recall the order passed on 9th August, 2018. The application for recall is disposed of.</p> <p>Mr. Ghosh submits that since representation is yet to be filed pursuant to the order dated 9th August, 2018, a further chance may be given to file representation ventilating his grievance.</p> <p>In view of the submission made by Mr. Ghosh, liberty is granted to the applicant to file representation ventilating his grievance before the Chief Medical Officer, Malda, the respondent no.2 within four weeks from the date of presentation of a copy of this order if he has joined the transferred post. If representation is filed, the same shall be disposed of by the respondent no. 2 by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	