ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

      The Hon'ble Smt. Urmita Datta (Sen), Member (J)

&   The Hon'ble P. Ramesh Kumar, Member (A)

Case No <u>MA – 255 of 2019 (OA- 210 of 2019)</u>

Rajendra Nath Lohar –Vs- The State of West Bengal & Others.

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

<u>1</u>
23.12.2019
	For the Applicant : Mr. K. Ghosal,
	          Advocate.
	
	For the Respondents : None.
	
	    The instant application has been filed praying for recalling of the order dated 31.07.2019 whereby the following order was passed:
	
	    "The instant application has been filed praying for regularisation. As per the applicant, he was engaged under Rogi Kalyan Samity from 05.05.2015 as O .P.D. Assistant. Therefore, he may be regularised in the said post. It is noted that the applicant was engaged under Rogi Kalyan Samity, which is not within the jurisdiction of this Tribunal as no engagement under Rogi Kalyan Samity is related to Civil Post. Accordingly, we do not have jurisdiction over the instant issue accordingly, O.A. is dismissed for want of jurisdiction."
	
	    On the day of the disposal of the O.A., the counsel for the applicant was present. However, as per the applicant,	

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	subsequently, he made an application under RTI on 08.08.2019 before the Programme Officer – (II) I.O. and S.P.I.O., National Health Mission and Deputy Secretary to the Govt. of West Bengal, Health and Family Welfare Department wherein he had asked for information, under which department of Government of West Bengal, Rogi Kalyan Samity is working. Against which, the Programme Officer – (II) I.O. and S.P.I.O., National Health Mission and Deputy Secretary to the Govt. of West Bengal had replied that the Rogi Kalyan Samity is under the department of Health and Family Welfare Deptt., Govt. of West Bengal. Therefore, the counsel for the applicant has prayed for recalling of the order dated 31.07.2019. *Heard the counsel for the applicant and perused the records. First of all, the original application was heard in presence of the counsel for the applicant wherein this Tribunal had dismissed the original application due to lack of jurisdiction as Rogi Kalyan Samity may be recognised by the Health and Family Welfare Department, Govt. of West Bengal for the purpose of providing their valuable information for betterment and smooth running of the hospitals on local representatives. However, neither the said members of the Rogi Kalyan Samity are the civil post holder*	

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A.K.P.	*nor the Samity is a part of Govt. of West Bengal. Further, from the perusal of the RTI information also, it is very clear that the Rogi Kalyan Samities are under Department of Health and Family Welfare, but not any part of department. Further, as we have already passed our order making it very clear that the members of the Rogi Kalyan Samity are not civil post holder and thus we do not have any jurisdiction over this issue. Therefore, such order cannot be recalled or restored under Miscellaneous Application. Thus, we do not find any reason to entertain the instant application. Accordingly, the M.A. is dismissed.* **P. RAMESH KUMAR** **URMITA DATTA (SEN)** **MEMBER (A)** **MEMBER (J)**	