

ORDER SHEET – (Continuation)

Form No.

Anusri Das.
.....

Vs

The State of West Bengal & Others.
.....Case No. **MA-144 of 2017 (OA – 586 of 2016).**

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><i>has been revoked nor any proceeding has been initiated against her. As per the applicant, in the light of Judgement reported in (2015)7 SCC 291 Ajay Kumar Choudhary-Vs-Union of India, her suspension should be revoked and she should be allowed to join her duty. Therefore, she has prayed for direction to the respondent authority to allow her to resume duties after revoking/cancelling the suspension order dated 01.02.2016. The counsel for the respondent has vehemently objected to the said and has drawn our attention to the relief claimed in the Original Application and has submitted that the main relief claimed in the Original Application and the relief claimed in the Miscellaneous Application are same and identical. Therefore, if the Miscellaneous Application would be allowed without giving them any opportunity to file reply, the Original Application would become infructuous. Therefore, the counsel for the respondents has prayed for dismissal of the Miscellaneous Application. He has further prayed for a last chance to file reply to the Original Application.</i></p> <p><i>Heard both the parties and perused the record. On the perusal of the Miscellaneous</i></p>	

ORDER SHEET – (Continuation)

Form No.

Anusri Das.
.....

Vs

The State of West Bengal & Others.
.....Case No. **MA-144 of 2017 (OA – 586 of 2016).**

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><i>Application, it is noted that the applicant has prayed for “revocation of the suspension order dated 01.02.2016.” It is noted that the relief claimed in the Miscellaneous Application is as follows:-</i></p> <p>(i) An order do issued directing the concerned respondent authorities to allow your applicant to resume duties after revoking/cancelling the suspension order vide Memo No. C/31 dated 01.02.2016 issued by the Director of Health Services, West Bengal pending adjudication of O.A. No. 586 of 2016.</p> <p>(ii) Any other Order or Orders, Direction/Directions as this Hon’ble Tribunal may deem fit and proper in the interest of justice.</p> <p><i>From the above, we are of the view that the relief claimed in Miscellaneous Application is similar and identical to the relief in the Original Application and if we would entertain the said Miscellaneous Application in that case the Original</i></p>	

ORDER SHEET – (Continuation)

Form No.

Anusri Das.
.....

Vs

The State of West Bengal & Others.
.....Case No. **MA-144 of 2017 (OA – 586 of 2016).**

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
<i>Sourav</i>	<p><i>Application would become infructuous. Therefore, we are unable to entertain the Miscellaneous Application and Miscellaneous Application is dismissed on the above ground.</i></p> <p><i>However, respondents are directed to file reply within four weeks positively as a last chance. Rejoinder, if any, within two weeks thereafter. Let the matter be listed for final hearing on 16.04.2018.</i></p> <p>Dr. A. K. CHANDA MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

ORDER SHEET – (Continuation)

Form No.

Anusri Das.
.....

Vs

The State of West Bengal & Others.
.....Case No. **MA-144 of 2017 (OA – 586 of 2016).**

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3