ORDER SHEET West Bengal Administrative Tribunal

Present.The Hon'ble &
The Hon'ble

Case No. MA-144 of 2017 (OA - 586 of 2016)

	Anusri Das. Versus The State of Wes	t Bengal & Others.	
Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.	
09	For the Applicant : Mr. Manujendra Narayar	า Rou.	
21/02/2018	Mr. Gourav Halder, Learned Advocates.		
	For the State Respondents: Mrs. Sunita Agarwal, Mr. Sankha Ghosh, Learned Advocates.		
	been filed praying for following reliefs:		
	(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.		
	(ii) Any other Order or Orders,		
	Direction/Directions as this Hon'ble		
	Tribunal may deem fit and proper in		
	the interest of justice.		
	According to the applicant, she was suspended		
	on 01.02.2016 with effect from detention i.e.		
	11.01.2016 till date under Rule 7(3)(a) of the		
	W.B.S.R. Part-I but till date neither the suspension		

ORDER SHEET – (Continuation)

Form No.	Anusri Das.
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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.
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	has been revoked nor any proceeding has been	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.	
	Heard both the parties and perused the	

record. On the perusal of the Miscellaneous

ORDER SHEET – (Continuation)

Form No.	Anusri Das.
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Vs

The State of West Bengal & Others.

The State of West Bengal & Others.		
Case No. MA-1 4	44 of 2017 (OA – 586 of 2016).	
Serial No. and	Order of the Tribunal	Office action with date
date of order	with signature	and dated signature of
1	2	parties when necessary.
1	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) 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.	
	(ii) Any other Order or Orders,	
	Direction/Directions as this Hon'ble	
	Tribunal may deem fit and proper in	
	the interest of justice.	
	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	
	Similar and meritical to the relief in the Original	

Application and if we would entertain the said

Miscellaneous Application in that case the Original

Anusri Das.

ORDER SHEET – (Continuation)

Form No.

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		Vs
	The State of W	est Bengal & Others.
	14 of 2017 (OA – 586 of 2016).	
Serial No. and	Order of the Tribunal	Office action with date
date of order	with signature	and dated signature of
1		parties when necessary.
1	Application would become infructuous. Therefore,	3
	we are unable to entertain the Miscellaneous	
	Application and Miscellaneous Application is	
	dismissed on the above ground.	
	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.	
Sourav	Dr. A. K. CHANDA URMITA DATTA (SEN) MEMBER(A) MEMBER(J)	

ORDER SHEET – (Continuation)

Form No.		Anusri Das.
		•••••
		Vs
		The State of West Bengal & Others.
Case No. MA-1 ²	14 of 2017 (OA – 586 of 2016).	
Serial No. and	Order of the Tribunal	Office action with date
date of order	with signature	and dated signature of
		parties when necessary.
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