

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

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

Case No – OA- 995 OF 2018.

Arun Chowdhury. 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
<p>01</p> <hr/> <p>21/02/2019</p>	<p>For the Applicant : Mr. K.K. Chakraborty, Advocate.</p> <p>For the State Respondents: Mr. S. Ghosh, Advocate.</p> <p>Affidavit of service filed today be kept on record. In this application the applicant has challenged the action of the respondents in declining to declare him to be holding a civil post after completion of 24 years of service. The applicant has also challenged the memo dated 29th December 2017 issued by the Additional Director of MSME (Audit), Directorate of Micro, Small and Medium Enterprises, West Bengal whereby it was held on the basis of the order dated 24th February 2016 passed in OA 750 of 2015 Arun Chowdhury –vs- The State of West Bengal & Ors., that the applicant was not an absorbed employee and as such he was not holding a civil post.</p> <p>At the very outset, Mr. S. Ghosh, learned advocate appearing on behalf of the respondent submits that in view of the judgement of the Tribunal passed in OA-750 of 2015 in a matter filed by the applicant, as the issue is settled and hit by the principles of res judicata, no order may be passed.</p>	

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Form No.

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GM	<p>Mr. K.K. Chakraborty, learned advocate of the applicant submits that the rights accrued to the applicant pursuant to his service for about 20 years in the West Bengal Ceramic Development Corporation cannot be taken away by the impugned memo dated 29th December 2017.</p> <p>Heard Mr. Chakraborty for the applicant and Mr. Ghosh for the respondents. Since we find that the issue is covered in the applicant's own case by the judgement delivered on 24th February 2016 in OA-750 of 2015 (Arun Chowdhury -vs- The State of West Bengal & Ors.), no order is passed in this application. The application is dismissed.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">SOUMITRA PAL CHAIRMAN</p>	