ORDER SHEET WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Justice Soumitra Pal, Chairman The Hon"ble Mr. P. Ramesh Kumar, Member (A) OA-145 of 2019

	Gokul Chandra Koley. Vs. The State of West Bengal	& Ors.
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<u>3</u> 27.03.2019	For the applicant : Mr. G. Halder, Learned Advocate	
	For the respondent : Mr. R.A. Chowdhury, Learned Advocate.	
	For the Principal Accountant General (A & E), : Mr. B. Mitra. West Bengal.	
	Let affidavit of service filed today be kept	
	with the record.	
	In this application the applicant, who had	
	joined the service under the State as Computers on 17^{th}	
	August, 1966 and superannuated on 30 th September,	
	2005 has prayed for certain reliefs, the relevant portion	
	of which is as under :-	
	a) An order do issue directing the	
	respondent authorities to disburse the	
	arrear pay arising out of Memo No.	
	HCR-Tech/41M-12-2006/244 dated	
	27.03.2009 issued by the Director of	
	Health Services, West Bengal granting	
	Grade-I status to your applicant as	
	awarded and disbursed to similarly	
	circumstance applicants in OA No. 418	
Page /1	of 2011.	

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	 b) An order do issue directing the concerned respondent authorities to extend the benefit of the Judgement dated 20.03.2014 passed in O.A. No. 418 of 2011 (Raghunath Saha & 16 Others-Vs- The State of West Bengal & Others) as your applicant is, also similarly circumstanced with that of the applicants in the aforesaid original application. c) A further order do issue directing the concerned respondent authorities to allow and disburse your applicant arrear dues on and from 01.01.1990 to 30.09.2005 and arrear pension from 01.10.2005 to 31.12.2008 within a stipulated time period. d) An order do issue directing the respondent authorities to dispose of 	of parties when necessary 3
Page /2	the representation dated 06.04.2018 by passing a reasoned and speaking order after giving an opportunity to the	

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	applicant within a stipulated time	
3	period and to communicate the	
27.03.2019	decision to the applicant thereof within	
	a stipulated time period.	
	We find that earlier the applicant had filed an	
	application being OA -887 of 2017praying for extension of	
	the order dated 20 th March, 2014 passed in OA-418 of	
	2011 which was disposed of by the Tribunal by passing an	
	order on 2 nd April, 2018 which is as under :-	
	The instant application has been filed	
	basically praying for extension of the order	
	dated 20/03/2014 passed in OA-418 of 2011,	
	since, according to the applicant, he is similarly	
	circumstanced with the petitioners of the	
	aforesaid OA-418 of 2011.	
	The counsel for the respondents has	
	submitted that since the applicant did not	
	approach the respondent authority, therefore,	
	there is no scope to ascertain whether he is	
Decs /2	similarly circumstanced or not and to grant any	
Page /3	benefit thereof. However, he has further	

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3	submitted that if the applicant approaches to	
27.03.2019	them, they will consider after verifying the fact	
	of the case.	
	Heard the parties. Perused the records.	
	It is noted that the applicant has	
	approached this Tribunal directly without	
	approaching the authority as required under	
	Section 21 of the Administrative Tribunal Act,	
	1985.	
	In view of the above facts and	
	circumstances, the counsel for the applicant has	
	fairly prayed for withdrawal of the instant OA	
	with a liberty to approach the respondents for	
	their consideration.	
	Accordingly, the OA is dismissed as	
	withdrawn with a liberty to the applicant to	
	approach before the authority, if so advised.	
	Pursuant to the said order the applicant had filed a	
	representation dated 6 th April, 2018 being Annexure- E to	
	the application. It is submitted by Mr. Gourav Halder,	
P/4	learned advocate for the applicant that since the	

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3 27.03.2019	application for payment of arrear claim is yet to be disposed of, appropriate order may be passed to dispose of the same. Submission is as the applicant is a very senior citizen, appropriate order may be passed to be permitting him to be assisted by a representative at the time of consideration of the representation by the authority.	
	Mr. R.A. Chowdhury, learned advocate for the respondent that if directed the State authority will consider the matter in accordance with law. Mr. B. Mitra, departmental representative for the Principal Accountant General (A&E), West Bengal	
P/5	adopts the submission of Mr. Chowdhury. Having heard the learned advocates for parties and considering the facts and circumstances of the case, this application is disposed of by directing the Director of Health Services, West Bengal, Respondent No. 2 to dispose of the representation dated 6 th April, 2018 by passing a reasoned order to be communicated to the	

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3 27.03.2019	applicant within 12 (twelve) weeks from the date of presentation a copy of this order after giving an opportunity of hearing and after scrutinizing the records. As prayed for, at the time of hearing the respondent no. 2 shall allow the applicant to be represented by a representative. However, it is made clear that at the time of hearing the applicant should also be present personally.	
	P. RAMESH KUMAR MEMBER (A) SOUMITRA PAL CHAIRMAN	
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