

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman &
Hon'ble Dr. Subesh Kumar Das, Administrative Member.

CASE NO. OA 224 of 2020.

DR. DEBABRATA DAS –Vs–THE STATE OF WEST BENGAL & ORS.

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>1 27.7.2020.</p>	<p>For the Applicant : Mr. S. Nayek, Mr. M. Karim, Mrs. R. Maitra,</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>As prayed for, leave granted to Mr. S. Nayek, learned advocate for the applicant to file supplementary affidavit. Let supplementary affidavit filed today be kept on record. Let a copy of the same be furnished to Mr. G.P. Banerjee, learned advocate for the State respondents, which is served and accepted.</p> <p>In this application Dr. Debabrata Das, posted as Superintendent, Durgapur Sub Division Hospital, Paschim Bardhaman of West Bengal Public Health and Administrative Services, has challenged the transfer order dated 24th January, 2020, being annexure "P-6" to the application, whereby he has been transferred as Superintendent, J.D. Hospital, Coochbehar, in the existing vacancy with effect from the date on which he joins the post. We find from the same order</p>	

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Vs.Case No. **OA 224 of 2020.**THE STATE OF W.B. & ORS.
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	<p>under challenge that Dr. Dhiman Kumar Mondal, in the rank of ACMOH, on promotion and presently posted as BMOH, Purba Bardhaman of the West Bengal Public Health and Administrative Services, has been directed to act until further order as Superintendent, Durgapur SDH, Paschim Bardhaman vice Dr. Debabrata Das, the applicant, with effect from the date on which he joins the post.</p> <p>Mr. S. Nayek, learned advocate appearing on behalf of the applicant relying on the application, particularly on the grounds mentioned therein, submits that since he has personal difficulty and his representation dated 1st February, 2020 has been filed before the Director of Health Services, Government of West Bengal, the respondent No. 2, with a request for deferment of the transfer order and as the release order has been passed on 14th July, 2020 as evident from the annexure "A-1" to the supplementary affidavit, subsequent to the filing of the original application and as Dr. Dhiman Kumar Mondal is yet to join the post, the transfer order may be deferred.</p> <p>Mr. G.P. Banerjee, learned advocate</p>	

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	<p>appearing on behalf of the respondent authorities submits on instruction that as Dr. Dhiman Kumar Mondal has joined the post, no order may be passed. However, he is not opposed for consideration of the representation dated 1st February, 2020 praying for deferment of the transfer order.</p> <p>Heard Mr. Nayek and Mr. Banerjee, learned advocates for the parties.</p> <p>Whether Dr. Dhiman Kumar Mondal has joined the post to be relinquished by Dr. Debabrata Das, the applicant, is a question of fact, which cannot be adjudicated in this application. However, considering the facts and circumstances of the case, as the applicant has prayed before the authorities “....to consider the above facts so that my transfer order could be deferred pro tempore....”, the application is disposed of by directing the Principal Secretary, now re-designated as Secretary, Department of Health and Family Welfare, Government of West Bengal, Kolkata, – the respondent no. 3, to dispose of the representation dated 1st February, 2020 addressed to the Director of Health Services, being annexure “A-7” to the application, by passing a reasoned</p>	

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Skg.	<p>order to be communicated to the applicant within seven days from the date of presentation of a copy of this order.</p> <p>Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p>(Subesh Kumar Das) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	