

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Present- The Hon'ble Justice Soumitra Pal (Chairman) &
The Hon'ble Dr.Subesh Kumar Das (Administrative Member)

Case No. OA -359 OF 2020

DR. ANIRBAN DASGUPTA 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 style="text-align: center;"><u>01</u> 05.10.2020</p>	<p>For the Applicant : Mr. S.Ghosh Mr.M.N.Roy Mr.A.Mitra Advocates</p> <p>For the Respondent : Mr.G.P.Banerjee Advocate</p> <p>Let affidavit of service filed today be kept on record. Since Mr.S.Ghosh, learned advocate for the applicant prays that the matter requires urgent hearing in view of the Annexures at pages 38 to 41 and the representation being Annexure-G to the application though the matter has appeared under the heading "New Application" the matter is taken up for hearing which Mr.G.P.Banerjee, learned advocate appearing for the State respondents in his usual fairness does not oppose.</p> <p>In this application Dr. Anirban Dasgupta, the applicant, now posted as Tutor in Bankura Sammilani Medical College, Bankura, has prayed for certain reliefs, the relevant portion of which is as under:-</p>	

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	<p>(a) An order do issue directing the respondent authorities to allow the applicant the benefit of "Lien" as enshrined in West Bengal Service Rules, Part-I for a period of two years from the post of Tutor (putting the present post of "Tutor" on suspended lien), enabling him to join the post of "Assistant Professor", Department of Obstetrics & Gynaecology at AIIMS, Kalyani on or before 15.10.2020.</p> <p>(b) An order do issue thereby directing the respondent authorities to issue "relieving order" in favour of the applicant within a stipulated time period enabling him to join the post of "Assistant Professor", Department of Obstetrics & Gynaecology at AIIMS, Kalyani on or before 15.10.2020.</p> <p>It is submitted by Mr.S.Ghosh, learned advocate for the applicant that since the applicant has been selected for the post of Assistant Professor in</p>	

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	<p>AIIMS Kalyani, Nadia as evident from the letter dated 15th September, 2020 and has been directed to join within a month from the date of receipt of the said letter after compliance of formalities and as representation dated 28th September, 2020 has been furnished before the Secretary, Department of Health and Family Welfare, Kolkata and the Director of Medical Education and Ex-Officio Secretary, Department of Health and Family Welfare, Kolkata the respondent nos. 1 and 2 respectively, appropriate order may be passed directing the authorities to consider the same. In this regard reliance has been placed on an order dated 17th June, 2020 passed in WPST No. 58 of 2020 with CAN 3159 of 2020 along with CAN 3186 of 2020 (Dr.Santanu Suba Vs. The State of West Bengal and Others).</p> <p>Mr.Banerjee, learned advocate appearing for the State respondents submits that though WPST No. 58 of 2020 is pending before the High Court, however, if directed, the respondents will consider the representation dated 28th September, 2020 in accordance with law.</p>	

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BLR	<p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, this application is disposed of by directing the Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no. 1 to dispose of the representation dated 28th September, 2020 by passing the reasoned order to be communicated to the applicant within a week from the date of presentation of a copy of this order downloaded from the Internet/ website after scrutinizing the records and after considering the order passed in WPST No. 58 of 2020 (Dr. Santanu Suba).</p> <p style="text-align: center;">(S.K.DAS) MEMBER (A)</p> <p style="text-align: center;">(SOUMITRA PAL) CHAIRMAN</p>	