

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 376 OF 2016

Dr. Argha Chowdhury 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 style="text-align: center;">11</p> <hr/> <p style="text-align: center;">27.09.2018</p>	<p><i>For the Applicant : Mr. M. Karim, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. G.P. Banerjee, Mr. B.P. Roy, Learned Advocates.</i></p> <p><i>The applicant has prayed for direction upon the respondents to grant three incremental benefits in favour of the applicant in terms of Rule 3 of West Bengal Public Health-cum-Administrative Service (Pay and Allowances) Rules, 2004.</i></p> <p><i>The applicant claims to have been appointed as Medical Officer of West Bengal Health Service on January 17, 1992 on the basis of Memo dated December 06, 1991 issued by the Assistant Secretary to the Government of West Bengal, Department of Health and Family Welfare. The applicant was affirmed as Medical Officer of West Bengal Health Service on January 17, 1995 as reflected from Notification dated December 01, 2008 issued by the Department of Health and Family Welfare, Government of West Bengal. The contention of the applicant is that by Notification dated April 11, 2012 issued by the Department of Health and Family Welfare,</i></p>	

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Government of West Bengal the option was given to the Officer of the Health Services for joining in the cadre of West Bengal Public Health-cum-Administrative Service in relaxation to Rule 3 of West Bengal Public Health –cum-Administrative Service (Option) Rules 2004. The further contention of the applicant is that the applicant exercised the option for joining in the cadre of West Bengal Public Health-cum-Administrative Service on May 02, 2012. It is also contended on behalf of the applicant that the applicant was absorbed as Medical Officer of West Bengal Public Health-cum-Administrative Service by Notification dated March 01, 2013 issued by the Department of Health and Family Welfare, Government of West Bengal. The grievance of the applicant is that the applicant has not been given three increments at flat rate after absorption in West Bengal Public Health-cum-Administrative Service in terms of Rule 3 of West Bengal Public Health-cum-Administrative Service (Pay and Allowances) Rules, 2004, inspite of submission of representation by the applicant before respondent no 3 on June 22, 2015.

Having heard Learned Counsel representing both parties and on consideration of the background of filing the present application we are of the view that the representation submitted by the applicant may be considered by the respondent no. 1 in accordance with the

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provisions of West Bengal Public Health-cum-Administrative Service (Pay and Allowance) Rules, 2004. Accordingly, the respondent no. 1, Addition Chief Secretary to the Government of West Bengal, Department of Health and Family Welfare is directed to consider the representation submitted by the applicant on June 22, 2015 (Annexure A11 to the original application) before the respondent no. 3 for giving three increments at flat rate on absorption of the applicant in West Bengal Public Health –cum –Administrative Service in terms of Rule 3 of West Bengal Public Health-cum-Administrative Service (Pay and Allowance) Rules, 2004 within a period of twelve weeks from the date of communication of the order and take necessary follow up action, if required, within a period of four weeks thereafter.

With the above direction, the original application is disposed of.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S

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