

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)****Case No – OA 498 OF 2020****Dr. Dibyajyoti Karmakar 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;">1</p> <hr/> <p>23.12.2020</p>	<p>For the Applicant : Mr. S. Ghosh, Advocate</p> <p>For the Respondents: Mr. G.P. Banerjee, Advocate</p> <p style="text-align: center;">Affidavit of service filed today be kept on record.</p> <p style="text-align: center;">It is submitted by Mr. S. Ghosh, learned advocate for the applicant that though the matter is appearing under the heading “New Application”, since the matter is urgent in view of the letter dated 02.12.2020, being annexure C to the application, he has already served copies of the application on the respondents and affidavit of service is being filed. Prayer is that the matter may be taken up today.</p> <p style="text-align: center;">Mr. G.P. Banerjee, learned advocate for the State respondents submits that though the matter is appearing under the heading “New Application”, he does not object to the hearing of the matter.</p>	

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	<p style="text-align: center;">Heard learned advocates for the parties.</p> <p style="text-align: center;">In the application, the applicant, - Dr. Dibyajyoti Karmakar, the RMO-cum-Clinical Tutor, Department of General Medicine at College of Medicine & Sagore Dutta Hospital, Kamarhati, Kolkata, - has prayed for several reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">“(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 “RMO-cum-Clinical Tutor” on suspended lien), enabling him to join the post of “Assistant Professor”, Department of General Medicine at AIIMS, Kalyani on or before 03.01.2021.</p> <p style="text-align: center;">(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 General Medicine at AIIMS, Kalyani on or before 03.01.2021.”</p>	

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	<p>On behalf of the applicant submission is since after being selected for AIIMS, Kalyani, the authorities of AIIMS by letter dated 02.12.2020 has directed him to join the post within one month from the date of receipt of the letter offering appointment, a direction be issued upon the respondents to release him. Submission is though in this regard a representation dated 15.12.2020 has been furnished before the Secretary, Department of Health & Family Welfare and the Director of Medical Education and Ex-Officio Secretary, Department of Health & Family Welfare, the respondents no. 1 & 2 respectively, no steps have been taken. Aggrieved this application has been filed. In this regard Mr. S. Ghosh, learned advocate for the applicant relies on the order passed in W.P.S.T. 58 of 2020.</p> <p>Mr. G.P. Banerjee, learned advocate for the State respondents submits, if directed, the respondents will consider the matter in accordance with the law.</p> <p>Having heard the parties and considering the facts and circumstances of the case, the 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 furnished on 15.12.2020 by passing a reasoned order to be</p>	

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Rajib	<p>communicated to the parties within a fortnight from the date of presentation of a copy of this order downloaded from the website / internet after giving an opportunity of hearing, after verifying the records and after considering the judgement passed in W.P.S.T. 58 of 2020.</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>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	

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