

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

Hon'ble Justice Soumitra Pal,
Hon'ble Dr. Subesh Kumar Das,

Hon'ble Chairman &
Administrative Member.

Case No. OA 603 of 2019.

DR. KAMALENDU BHUNIA AND 76 OTHERS - VERSUS- THE STATE OF W.B. & 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>2</p> <hr/> <p>2.9.2019.</p>	<p>For the Applicants : Mr. S. Bhattacharjee, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application, the applicants, who are serving as well as retired Homoeopathic Medical officers in West Bengal Homoeopathic Health Service under the West Bengal Homoeopathic Health Service, Department of Health and Family Welfare, Government of West Bengal, and are posted or were posted at different medical colleges and hospitals, have prayed for certain reliefs, the relevant portion of which is as under :-</p> <p><i>“ a) A mandatory direction do issue upon the concerned respondent authorities to forthwith consider and grant enhancement of age limit of superannuation of the applicants being the Homeopathic Medical Officers under the State from 60 years to 65 years retrospectively with effect from the date of granting such enhancement of age-limit in favour of the Allopathic Doctors in WBHS by issuing due Notification to that effect</i></p>	

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	<p><i>in consonance with the reasoned order dated 15.11.2018 so issued by the Additional Chief Secretary to the Government of West Bengal, Department of Health and Family Welfare in compliance of the solemn Order dated 14.08.2018 of this Hon'ble Tribunal, passed in OA No. 450 of 2018, being Annexure-'D' and 'C' herein and to command them to implement the said reasoned order 15.11.2018 of the Additional Chief Secretary to the Government of West Bengal, Department of Health and Family Welfare in its true letter and spirit.....".</i></p> <p>It is submitted by Mr. S. Bhattacharjee, learned advocate appearing on behalf of the applicants that as the retirement age of the Homoeopathic Medical officers is sixty and is not at par with the Allopathic Medical Officers, who superannuate at the age of sixty-five, appropriate direction may be issued for enhancing the age of the applicants from sixty to sixty-five in consonance with the order dated 15th November, 2018 passed by the concerned Additional Chief Secretary.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the respondents on instruction submits that the proposal for raising the retirement age of Homoeopathic Medical officers under WBHMS cadre</p>	

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	<p>from sixty to sixty-five years was/is under consideration of the State of West Bengal. Submission is there has been no recruitment to fill up the vacancy during the last eight/nine years though there have been number of representations from BHMS candidates, who have passed, requesting to expedite the recruitment process in the posts of WBHMO. In the event retirement age of HMOs is raised, the prospect of about four thousand BHMS pass candidates, waiting for the selection process to commence, will be badly hampered. Submission is that the Finance Department has informed that the administrative department is going to amend the recruitment rules for the post of WBHMO shortly to have the selection done through WBHRB in place of Public Service Commission, West Bengal. Under these circumstances, the Finance department has requested the administrative department to revisit the proposal. Let a copy of the instruction/note dated 4th July, 2018 filed be kept on record and a copy of the same be furnished to the learned advocate for the applicants, which is served and accepted.</p> <p style="text-align: center;">Having heard Mr. Bhattacharjee and Mr. Banerjee, learned advocates for the respective parties</p>	

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Skg.	<p>and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicants to file representation, ventilating their grievances and dealing with the views of the respondents as contained in the instruction/note dated 4th July, 2018, before the Additional Chief Secretary, Government of West Bengal, Health and Family Welfare Department – the respondent no. 2, within eight weeks from the date of obtaining a copy of this order. If representation is filed within the time as stipulated, the respondent no. 2 shall dispose of the same by passing a reasoned order to be communicated to the applicant no. 1 within twelve weeks after giving an opportunity of hearing to the applicant no. 1 or any other applicant so authorised by the applicant no. 1 and after verifying the records.</p> <p>(Subesh Kumar Das) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	