

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 - 79 OF 2020

DR. PRASENJIT BAIDYA 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;">05 <u>14.12.2020</u></p>	<p>For the Applicant : Mrs.S.Mitra Advocate</p> <p>For the State respondent : Mr.G.P.Banerjee Advocate</p> <p style="text-align: center;">In this application, Dr.Prasenjit Baidya, the applicant has prayed for several reliefs, the relevant portion of which is as under:-</p> <p style="text-align: center;">a) <i>An order directing the respondent authorities to issue release order forthwith so that the applicant may join new place of Detailment at Trauma Care Unit, IPGMER & SSKMH, Kolkata as per order under Memo No. HPT/32M-67-19/A7187/1(13) dated 24.12.2019 issued by the Director of Health Services Department of Health & Family Welfare, Govt. of West Bengal;</i></p> <p style="text-align: center;">b) <i>An order directing the respondents to grant with held salary forthwith;</i></p>	

ORDER SHEET

Form No.

Vs.

The State of West Bengal & Ors.
.....

Case No.

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><i>c) An order directing the respondent authorities to allow the applicant to join new place of Detailment at Trauma Care Unit, IPGMER & SSKMH, Kolkata in terms of the order under Memo No. HPT/32M-67-19/A7187/1(13) dated 24.12.2019 issued by the Director of Health Services Department of Health & Family Welfare, Govt. of West Bengal.</i></p> <p>The facts in short are the applicant was posted as Medical Officer at GDMO, Maynaguri R.H. Jalpaiguri. By order dated 23rd November, 2019 issued by the Block Medical Officer of Health, Maynaguri R.H. Jalpaiguri, the respondent no.8, the applicant was released and was detailed the work at Falakata M/SSH, Alipurduar with a direction to report to the Chief Medical Officer of Health, Jalpaiguri, the respondent no. 6 which was issued on the basis of an order dated 1st October, 2019 passed by the Director of Health Services, the respondent no. 3. It further appears that the applicant, by order dated 24th December, 2019 read with the corrigendum order</p>	

ORDER SHEET

Form No.

Vs.

The State of West Bengal & Ors.
.....

Case No.

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>dated 24th December, 2019, was detailed to work at Trauma Care Unit, IPGMER & SSKMH, Kolkata. It further appears that the applicant by letter dated 2nd January, 2020 appearing at page 80 of the application, intimated the respondent no.8 that he would be joining the office on 2nd January, 2020 and intended to resume his duty from that date onwards and on that very day by another letter requested the said respondent to issue release order to work at Trauma care unit. Accordingly, Mrs.S.Mitra, learned advocate for the applicant, submits appropriate order, as prayed for, may be passed.</p> <p>Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondent submits that it is evident that the applicant pursuant to the order dated 1st October, 2019 and order dated 23rd November, 2019 being the detailment order and release order, did not join at Falakata M/SSH, Alipurduar. Thereafter the applicant by order dated 24th December, 2019 was detailed to perform duty at Trauma care Unit at Kolkata. Thereafter the applicant had intended to</p>	

ORDER SHEET

Form No.

Vs.

The State of West Bengal & Ors.
.....

Case No.

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>resume his duty at Maynaguri Rural Hospital that is place of initial posting. According to him since the conduct of the applicant is not very encouraging, no order may be passed.</p> <p>It appears from the submission of the learned advocate for the parties that the applicant was unauthorisedly absent and his salary was withheld for the month of October, 2019.</p> <p>Mrs.Mitra, in reply submits that leave may be given to the applicant to furnish a representation before the appropriate authority ventilating his grievances which may be directed to be considered.</p> <p>Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances, annexing copies of relevant documents, before the Director of Health Services, Health and Family Welfare Department, Government of West Bengal, the respondent no. 3, within 4 weeks from the</p>	

ORDER SHEET

Form No.

Vs.

The State of West Bengal & Ors.
.....

Case No.

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
BLR	<p>date of obtaining a copy of this order downloaded from the Internet/ website. If such representation is filed within the time as stipulated, the said respondent shall dispose of the same by passing a reasoned order to be communicated to the parties within 8 weeks after giving an opportunity of hearing and after verifying the records.</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 style="text-align: center;">(S.K.DAS) MEMBER (A)</p> <p style="text-align: center;">(SOUMITRA PAL) CHAIRMAN</p>	