

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

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble P.Ramesh Kumar (Administrative Member)

Case No. OA – 791 OF 2018

DR DILIP KR MONDAL 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;"><u>01</u> 11.10.18</p>	<p>For the Applicant : Mr.S.N.Ray Mrs.P.Sasmal Advocates</p> <p>For the Respondents : Mr.S.Ghosh Advocate</p> <p style="text-align: center;">Affidavit of service filed today be kept on record. Though the matter has appeared in the list under the heading "To be Mentioned" by the consent of Mr.S.N.Ray, learned advocate appearing for the applicant along with Mrs.P.Sasmal, learned advocate and Mr.S.Ghosh, learned advocate for the respondents, the matter is taken up for hearing.</p> <p style="text-align: center;">In this application, the applicant has prayed for a direction upon the respondents particularly on the Director of Health Services, Department of Health and Family Welfare, Government of West Bengal, Kolkata, the respondent no. 2 to consider his representation dated 14th September, 2018 which is a prayer for posting at BMOH at Paharhati BPHC or in Jamalpur, Purba Bardhaman. It is submitted that earlier the applicant had filed a representation dated 10th April, 2017 before the</p>	

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	<p>Chief Medical Officer of Health, Burdwan for posting somewhere near Bannabagram BPHC since his spouse is posted nearer the place. According to the applicant since the representation was not disposed of, an application was filed before the Tribunal, being OA-406 of 2017, which was disposed of on 17th May, 2017 with a direction on the Director of Health Services, Government of West Bengal to dispose of the said representation within 2 weeks from the date of receipt of the application after giving an opportunity of hearing to the applicant and thereafter to pass a reasoned order and to communicate the same to the applicant. It appears that the Director of Health Services considered the matter and had passed an order on 21st June, 2017, the relevant portion of which is as under:-</p> <p><i>“Considering the contention of the petitioner, it is ordered that, since, his detailment at Guskara PHC under the Bannabagram BPHC has been withdrawn already, and since, the petitioner has already been released from the Guskara PHC under the Bannabagram BPHC, hence, he has to join at the original place of posting at Satinandi PHC under Adrahati BPHC. Thereafter, A.D.H.S. (P&E) would send a proposal for</i></p>	

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	<p><i>the transfer of Dr.Mondal to a BPHC, adjacent to Bannabagram B.P.H.C. Thereafter, in accordance with the newly issued order of transfer, the petitioner would be released from Satinandi PHC in order to join at the schedule BPHC finally.</i></p> <p><i>Thus, the representation of Dr.Dilip Kumar Mondal is disposed of".</i></p> <p>It has been stated that pursuant to the order passed, the applicant had joined at Satinandi PHC. It is submitted by Mr.S.N.Ray, learned advocate for the applicant that since he has joined at Satinandi, PHC, the Director of Health Services, the respondent no.2 may be directed to consider the representation dated 14th September, 2018.</p> <p>Mr.S.Ghosh, learned advocate appearing on behalf of the State respondent submits that the application is passed on apprehension as evident from the statement made in paragraph 4 (vi) and the representation of the applicant is under consideration.</p> <p>Having heard Mr.Ray, and Mr.Ghosh and considering the facts and circumstances of this case, the Original application is disposed of by directing the</p>	

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BLR	<p>Director of Health Services, Department of Health and Family Welfare, Government of West Bengal, the respondent No.2, to dispose of the representation dated 14th September, 2018 by passing a reasoned order to be communicated to the parties within 10 weeks from the date of presentation of a copy of this order after giving an opportunity of hearing, after verifying the records and after taking into consideration the reasoned order passed 21st June, 2017 appearing at page 11 of this application.</p> <p style="text-align: center;"> (P.RAMESH KUMAR) MEMBER(A) </p> <p style="text-align: center;"> (SOUMITRA PAL) CHAIRMAN </p>	