

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

Hon'ble Justice Soumitra Pal,  
Hon'ble Mr. P. Ramesh Kumar,

Hon'ble Chairman &  
Administrative Member.

**Case No. OA 824 of 2019.**

DEBASISH BHATTACHARJEE- 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>3</p> <hr/> <p>14.11.2019.</p>	<p>For the Applicant : Mr. S. Ghosh, Mr. R.K. Mondal, Advocates.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>In this application Debasish Bhattacharjee, the applicant, a pharmacist in the department of Health and Family Welfare, Government of West Bengal , who has been selected and appointed as Instructor of Drugs has prayed for certain reliefs, the relevant portion of which is as under :-</p> <p><i>“(a) An order do issue directing the concerned respondent authorities to forthwith issue release order in favour of the applicant within a stipulated time period, enabling him to join the post of “Inspector of Drugs” in the West Bengal General Service under the Directorate of Drugs Control, West Bengal, Health &amp; Family Welfare Department, in terms of the appointment letter dated 6<sup>th</sup> September, 2019.</i></p> <p><i>(b) An order do issue directing the concerned respondent authorities to take a decision in accordance with law in terms of the representation dated</i></p>	

**ORDER SHEET**

Form No.

DEBASISH BHATTACHARJEE.

**Vs.**

THE STATE OF W.B. &amp; ORS.

Case No. **OA 824 of 2019.**

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>09<sup>th</sup> September, 2019 before the Director of Health Services, Department of Health &amp; Family Welfare, Government of West Bengal paying for release from the present post of "Pharmacist" enabling him to join the post of "Inspector of Drugs" under the Directorate of Drugs Control, Government of West Bengal, under the same department by passing a reasoned and speaking order after giving an opportunity of hearing and to communicate the same within a stipulated time period as mentioned in the appointment letter dated 6<sup>th</sup> September, 2019..".</i></p> <p>The matter was taken up on 1<sup>st</sup> October, 2019 when an interim order was passed. It is submitted by Mr. S. Ghosh, learned advocate for the applicant that since by order dated 6<sup>th</sup> September, 2019 the applicant was directed to join the post within six weeks and the respondents are not releasing the applicant from the post of Pharmacist, interim order has been prayed for. On 1<sup>st</sup> October, 2019 interim order was passed directing the respondent authorities to keep one post vacant till 29<sup>th</sup> November, 2019 without prejudice to the rights and contentions of the parties. The matter was thereafter taken up and a question has cropped up whether this</p>	

**ORDER SHEET**

Form No.

DEBASISH BHATTACHARJEE.

**Vs.**

THE STATE OF W.B. &amp; ORS.

Case No. **OA 824 of 2019.**

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
Skg.	<p>Bench has jurisdiction to take up the matter. We find as the principal prayer is for appointment and release order is consequential, this Bench has jurisdiction to take up the matter.</p> <p>Heard Mr. Ghosh and Mr. Banerjee, learned advocates for the parties. Since we find that from the notification dated 6<sup>th</sup> September, 2019 that the applicant, a pharmacist under the Government of West Bengal, has been appointed as Instructor of Drugs, considering such fact the application is disposed of by directing the Director of Health Services, - the respondent no. 3 to release the applicant from the post of pharmacist within a fortnight from the date of presentation of a copy of the certified copy of this order to enable him to join the post of Inspector of Drugs.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	