

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman &
Hon'ble Dr. Subesh Kumar Das, Administrative Member.

CASE NO. OA 933 of 2019.

KABITA PRASAD –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>6 8.9.2020.</p>	<p>For the Applicant : Mr. M.Ali, Advocate.</p> <p>For the State Respondent : Mrs. S. Agarwal, Advocate.</p> <p>Since it is submitted by the learned advocate for the applicant that the envelop sent to respondent no. 6 has come back with the endorsement “addressee cannot be located”, the learned advocate is directed to affirm and file affidavit of service in course of this day.</p> <p>In this application Kabita Prasad, the applicant has prayed for several reliefs, the relevant portion of which is as under :-</p> <p><i>“a).....A mandatory order be passed and/or direction be issued upon the respondent authorities, their name, sub-ordinates and each one of them to forthwith take appropriate action against the respondent no.6 for impersonation of the applicant and getting appointment as staff nurse in place and stead of the applicant by using her documents and qualification certificates in illegal and unfair means by keeping her in dark and depriving the applicant who was selected for the said post of staff nurse.</i></p>	

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	<p><i>b) A mandatory order be passed and/or direction be issued upon the respondent authorities, their name, sub-ordinates and each one of them to forthwith make a thorough enquiry into the matter and to submit report before the Learned Tribunal for passing necessary order in connection with this case and to punish the respondent no. 6 and others who ever may be found guilty for offering appointment to the respondent no.6 in lieu of the applicant...".</i></p> <p>Apart from the State respondents, one Kamalika Ghosh, stated to be working as Staff Nurse in Asansol Super speciality Hospital, Paschim Burdwan, is the private respondent no. 6. The allegation of the applicant is that though it is evident from the order dated 9th March, 2018 that her name appeared against serial No. 124 of the successful list of Staff Nurses, Grade-II appointed temporarily under W.B.N.S. Cadre, however the private respondent No. 6 had impersonated and got the appointment letter. Referring to various annexures to this application, it is submitted by Mr. Ali, learned advocate for the applicant that a thorough enquiry would reveal that the respondent no. 6 had impersonated and</p>	

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	<p>got the job.</p> <p>Mrs. S. Agarwal, learned advocate appearing on behalf of the State respondents submits that since it is a question of fact, opportunity may be granted for filing reply.</p> <p>Heard learned advocates for the parties. Perused the statements in the application and the annexures.</p> <p>In our view since there are allegations of impersonation which is a question of fact, we are of the view that it requires thorough investigation. Therefore, in the facts and circumstances of the case, the application is disposed of by directing the Director of Health Services, Nursing Section, Government of West Bengal ... the respondent no.2, to dispose of the matter by passing a reasoned order to be communicated to the parties within five months from the date of presentation of a copy of this order downloaded from the internet, after giving an opportunity of hearing to Kabita Prasad and Kamalika Ghosh, private respondent no. 6, stated to be working as Staff Nurse in the office of the Chief Medical Officer, Paschim Bardhaman by the name of Kabita Prasad after</p>	

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Skg.	<p>verifying the original documents to be submitted by both the applicant as well as the private respondent, after thorough enquiry and after being satisfied with the identity of the applicant as well as the private respondent. We make it clear that we have not gone into the merits of the matter and all points are kept open to be dealt with by the respondent no.2.</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>(Subesh Kumar Das) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	