

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

The Hon'ble Urmita Datta (Sen) Member (J) &
Hon'ble P. Ramesh Kumar, Member (A)

OA-953 of 2016

Khemen Gurung 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><u>09</u> 21.12.2018</p>	<p>For the applicant : None.</p> <p>For the respondent : Mrs. S. Agarwal, Learned Advocate.</p> <p>None for the applicant. It is noted that nobody is appearing on and from 03.01.2018, 07.03.2018, 20.06.2018, 12.09.2018 even today. However, the counsel for the respondent has raised the preliminary objection on the point of maintainability as the impugned order has been passed by the Executive Director, Health & Family Welfare Department, Gorkha Territorial Administration, Darjeeling (Annexure-D). The counsel for the respondent has also drawn our attention to the pleadings made in paragraph 6.5 as well as the impugned order wherefrom it would be evident that the applicant earlier approached the Hon'ble High Court in W.P.32748 (W) OF 2013 and the Hon'ble High Court vide his order dated 02.12.2013 had directed to consider the case of the applicant. Therefore, since this Tribunal does not have the jurisdiction over the Gorkha Territorial Administration (earlier D.G.H.C.) the instant application is not maintainable.</p>	

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<p style="text-align: center;">09 21.12.2018</p> <p>SC</p>	<p style="text-align: center;">Heard the counsel for the respondent and perused the records. It is noted that the impugned order has been passed as per the direction of the Hon'ble High Court by Executive Director, Health & Family Welfare Deptt. G.T.A. over which we do not have any jurisdiction. Therefore, the OA is dismissed for lack of jurisdiction.</p> <p style="text-align: center;"> P. RAMESH KUMAR MEMBER(A) </p> <p style="text-align: center;"> URMITA DATTA (SEN) MEMBER (J) </p>	

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