

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 96 OF 2018

DR. BEGUM SABIHA MASHUDA KHANAM 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
1 <hr/> 07.03.2018	<p>For the Applicant : Mr. Subrata Mukhopadhyay Mr. Manindra Bhowmick Learned Advocate</p> <p>For the State Respondent: Mr. Goutam Pathak Banerjee Learned Advocate</p> <p>The applicant has prayed for direction upon the respondent No. 2 to consider her representation dated December 13, 2017 in connection with allotment of night duty to the applicant by filing the original application under Section 19 of the Administrative Tribunals Act, 1985.</p> <p>The contention of the applicant is that the applicant has been working as Medical Officer (Specialist in Ophthalmology) in Tulsiram Laxmidebi Jaiswal State General Hospital in the District of Howrah on contractual basis with effect from August 9, 2017. The further contention of the applicant is that the applicant has a baby of two years and three months and as such, she was not in a position to perform night duty in the hospital. The representation submitted by the applicant before the Superintendent of the Hospital on December 20, 2017 and the representation submitted by the applicant before the respondent No. 2 on December 13, 2017 have not been</p>	

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considered by the respective authorities.

Having heard the Learned Counsel representing the respective parties and on consideration of the representation of the applicant dated December 13, 2017, we find that the applicant has submitted a representation about allotment of duty to the respondent No. 2, Director of Health Services, Government of West Bengal without submitting the same through the respondent No. 3, Superintendent of the Hospital. Moreover, the allotment of duty in the hospital falls within the domain of the Superintendent of the Hospital and as such, the Director of Health Services, Government of West Bengal cannot have any say with regard to allotment of night duty of the applicant. Since the allotment of duty is done by the Superintendent of the hospital and since the representation is submitted by the applicant directly before the Director of Health Services, Government of West Bengal, bypassing the Superintendent of the hospital, we are not in a position to direct the respondent No. 2 to consider the representation of the applicant dated December 13, 2017. However, we would like to observe that the leave sanctioning authority of the applicant must consider any application submitted by the applicant for grant of leave in accordance with law within a reasonable period of time.

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In view of our above findings we are inclined to give liberty to the applicant to submit fresh representation before the Superintendent of the hospital in connection with allotment of her night duty. If such representation is submitted by the applicant before the Superintendent of the hospital, the respondent No. 3, Superintendent of the hospital will consider such representation in accordance with law and pass a reasoned order within a period of two weeks from the date of submission of the application by the applicant.

With the above direction the application stands disposed of.

Let a plain copy of the order be supplied to both parties.

(S.K. Das)
MEMBER (A)

(R.K. Bag)
MEMBER (J)

SCN.