

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

**The Hon'ble Justice Soumitra Pal,
& The Hon'ble Dr. Subesh Kumar Das.**

Case No –OA-1346 of 2013.

Dr. Somnath Saha & others. –Vs- The State of West Bengal & 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 style="text-align: center;"><u>21</u> 18.09.2018</p>	<p>For the Applicants : Mr. K. K. Bera, Mr. Krishnendu Bera, Advocates.</p> <p>For the Respondents : Mr. Goutam Pathak Banerjee, Mr. Debabrata Koley, Advocates.</p> <p>In this application, the applicants, posted in different government homoeopathic medical colleges & Hospitals, - namely Calcutta Homoeopathic Medical College & Hospital, D. N. De Homoeopathic Medical College & Hospital, Mahesh Bhattacharya Homoeopathic Medical College & Hospital and Midnapore Homoeopathic Medical College & Hospital, as Lecturers, Readers & Professors and are in teaching posts under the Department of Health & Family Welfare, Government of West Bengal and being members of West Bengal Homoeopathic Education Service, have prayed for a direction upon the state respondents to enhance their age of superannuation from 60 to 62 years to bring it at par with the members of the West Bengal Medical Education Service and the members of the West Bengal Dental Education Service.</p> <p>Mr. K. K. Bera, learned advocate for the</p>	

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	<p>applicants submits that as other Lecturers, Readers & Professors and teaching staff similarly situated are enjoying higher age of superannuation, appropriate order may be passed by the Tribunal directing parity in the age of superannuation. Submission is that the Tribunal had directed that the superannuation of the applicant during the pendency of the application shall abide by the result of the application.</p> <p>Mr. G. P. Banerjee, learned advocate for the respondents submits that since enhancing the age of superannuation is a Government policy, no order may be passed. Moreover, this Tribunal in a similar situation declined to pass order. Rather the Tribunal had directed the respondent authorities to consider the matter.</p> <p>Having heard Mr. Bera and Mr. Banerjee, learned advocates for the parties and considering the facts and circumstances of the case, this Original Application is disposed of by granting liberty to the applicants to file a fresh representation, as prayed for by Mr. Bera, before the Principal Secretary, Health and Family Welfare Department, Government of West Bengal, Kolkata, now designated as Additional Chief</p>	

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Sourav	<p>Secretary, Health and Family Welfare Department, Government of West Bengal within four weeks from the date of receipt of a copy of this order. After such representation is filed within the time as stipulated, the Additional Chief Secretary shall dispose of the same by passing a reasoned order to be communicated to the parties within ten weeks after giving an opportunity of hearing to the applicant no. 1 or any other applicant duly authorised by the said applicant and after verifying the records and after considering the relevant Government circulars. At the time of hearing the applicant will be at liberty to rely on the statements made in this Original Application which shall be considered by the Additional Chief Secretary, while passing the reasoned order. Since the application is disposed of, interim order passed on 12th December, 2014 stands vacated. The application being M.A.-19 of 2016 is treated as on day's list and is also disposed of.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	

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