

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

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

Case No –OA-983 of 2019.

Dr. Tarun Kumar Kar and 11 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>2</u> 17.1.2020.</p>	<p>For the Applicants : Mr. S. Bhattacharya, Advocate.</p> <p>For the State Respondents : Mr. G. P. Banerjee, Advocate.</p> <p>Let affidavit of service filed today be kept on record.</p> <p>In this application, the applicants who are Ayurvedic Doctors/ Teachers/ Ex-Cadre employees have prayed for certain reliefs, the relevant portion of which is as under:-</p> <p style="padding-left: 40px;"><i>“.....a) A mandatory direction do issue upon the concerned respondent authorities to forthwith consider and grant enhancement of age-limit of superannuation of the applicants, being the Ayurvedic Doctors/Teachers/Ex-Cadre employees under the State from 60 years to 65 years retrospectively with effect from the date of granting such enhancement of age-limit in favour of the Allopathic Doctors in WBHS/WBMES Cadres as well as</i></p>	

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	<p><i>the Dental Teachers/Surgeons in WBDS/WBDES Cadres by issuing due Notifications to that effect in consonance with the reasoned order dated 10.05.2019 so issued by the then Additional Chief Secretary to the Government of West Bengal, Department of Health and Family Welfare in compliance of the solemn Order dated 15.01.2019 of this Hon'ble Tribunal, passed in O A No. 1036 of 2018, being Annexure-'D' and 'C' herein and to command them to implement the said reasoned order 10.05.2019 of the Additional Chief Secretary to the Government of West Bengal, Department of Health and Family Welfare in its true letter and spirit;</i>"</p> <p>It appears earlier the applicants moved an application, being OA- 1036 of 2018 - Dr. Tarun Kumar Kar & 18 Ors.-Vs.-The State of West Bengal, which was disposed of on 15th January, 2019 by passing an order, the relevant portion of which is as</p>	

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	<p>under:-</p> <p><i>“.....Having heard Mr. Roy Chowdhury and Mr. Banerjee and considering the facts and circumstances of the case, the Original application is disposed of by directing the Principal Secretary, now re-designated as Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal, Kolkata, the respondent No. 1 to dispose of the representation dated 14th November, 2018 by passing a reasoned order, to be communicated to the parties, within 12 weeks from the date of presentation of a copy of this order after giving an opportunity of hearing to the applicant no. 1 or any other applicant duly authorised by the applicant no. 1.”</i></p> <p>After the order was passed, the Additional Chief Secretary now re-designated as the Principal Secretary,</p>	

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	<p>Department of Health and Family Welfare, Government of West Bengal - the respondent no. -1, had passed an order on 10th May, 2019, the relevant portion of which is as under:-</p> <p><i>“.....In pursuance of the above mentioned order of Hon’ble W. B.A.T. a representation dated 5.2.19 from the Advocate of Dr. Tarun Kr. Kar was made before the Additional Chief Secretary of this deptt.</i></p> <p><i>In compliance of the above judgement of Hon’ble W.B.A.T. a hearing notice was served upon Dr. Tarun Kr. Kar to appear before the end of Additional Chief Secretary of this deptt. for hearing on 12.04.2019 at the first instance which was postponed due to unavoidable circumstances and re-scheduled as 10.05.2019.</i></p> <p><i>Accordingly, Applicant No. 1 Dr. Tarun Kr. Kar, accompanied by Dr. Atanu Pal attended the hearing and pleaded for consideration of their</i></p>	

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	<p><i>representation dated 14.11.2018.</i></p> <p><i>Representation of the applicant was considered. Let the prayer for enhancement of age of superannuation be recommended to the Government for consideration.</i></p> <p><i>....."</i></p> <p>It is submitted by Mr. S. Bhattacharya, learned advocate appearing on behalf of the applicants that though the matter has been sent to the Government for consideration, however, as no time limit has been fixed, appropriate direction may be issued on the State respondents for consideration of the same within a time frame.</p> <p>Mr. G. P. Banerjee, learned advocate appearing on behalf of the State respondents submits that as the issue involves not only taking administrative decisions but also has financial implications, time may be given to the State respondents to come to a decision.</p> <p>Having heard Mr. Bhattacharya and Mr. Banerjee and considering the facts and circumstances of the case, the application is disposed of by directing the Chief Secretary, Government of West Bengal - the</p>	

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Sourav	<p>respondent nos.-2 to pass a reasoned order, to be communicated to the parties, within six months from the date of presentation of a copy of this order to the respondent no. 2, after giving an opportunity of hearing to the applicant no.-1 or to any other applicant to be authorised by the applicant no. 1, after verifying the records and after calling for a report from the respondent no.-6. 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>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	