

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

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – R.A. 14 of 2019 (OA-554 of 2018)

**DR. SOURAV ADHIKARI** 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>4</p> <hr/> <p>10.02.2020</p>	<p>For the Applicant : Mr. S. Ghosh, Mr. A. Mitra, Advocates</p> <p>For the Respondents : Mr. G.P. Banerjee, Advocate</p> <p>In this review application, being RA-14 of 2019, the applicant has prayed for review / recall of the order dated 19<sup>th</sup> November, 2019 passed in O.A. 554 of 2018.</p> <p>It is submitted by Mr. S. Ghosh, learned advocate for the applicant that since paragraph 2 of the notification dated 18th August, 2015 stipulates that the appointment of the candidates would continue provisionally for six months or until further orders with effect from the date of joining and as the applicant had worked for six months, they should release the applicant from the duty.</p> <p>On a query it is submitted by Mr. Ghosh that the applicant after six months had continued in service.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that since the applicant had given up prayer (d) of the Original Application seeking a direction of the Tribunal for declaring the Finance (Audit) Notification no. 4499-F(P) dated 26<sup>th</sup> August, 2016 as ultra vires the Constitution of India, he cannot raise the</p>	

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SCN.	<p>issue in this application.</p> <p>Mr. Ghosh submits in reply that apart from the order dated 19<sup>th</sup> November, 2019 passed in O.A. 554 of 2018, the Director of Medical Education and Ex-Officio Secretary, Department of Health &amp; Family Welfare, Government of West Bengal, the respondent no.3 may be directed also to consider the prayer of the applicant with regard to the notification dated 18th August, 2015, after giving an opportunity of hearing within a shorter time to which Mr. Banerjee does not object.</p> <p>Having heard Mr. Ghosh and Mr. Banerjee and considering the facts and circumstances of the case, the review application is disposed of by directing the Director of Medical Education and Ex-Officio Secretary, Department of Health &amp; Family Welfare, Government of West Bengal, the respondent no.3 to pass a reasoned order to be communicated to the parties within four weeks from the date of presentation of a copy of this order after giving an opportunity of hearing and after verifying the records including the documents to be furnished by the applicant by dealing with the points raised by the applicant, particularly with regard to the notification dated 18th August, 2015.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	