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| Serial No. andDate of order. 1 | Order of the Tribunal with signature2 | Office action with date and dated signature of parties when necessary3 |
|  *02* *28.02.2018**H.S* | *For the Applicant : Mrs. S. Mitra,* *Learned Advocate.**For the Respondents : Mr. S. Ghosh,* *Learned Advocate.* *The applicant has filed this application praying for recalling order dated June 20, 2017 issued in connection with CCP 186 of 2016 and restoration of the said contempt application.* *It appears from order dated June 20, 2017 passed by this Tribunal in connection with CCP 186 of 2016 that the Tribunal disposed of the contempt application with a direction upon respondents to comply with the order already passed by this Tribunal within a period of 3 (three) weeks from the date of communication of this order. It is also observed in the said order by the Tribunal that in the event the order of the Tribunal is not complied with, necessary steps should be taken in accordance with law. The contention made on behalf of the applicant is that the order of the Tribunal has not been complied with and the name of the contemnor is challenged as new incumbent has already join in the post of Director of Health Services, Government of West Bengal. Where ever there is a right and there is remedy. The applicant should have the remedy for implementation of the order passed by this Tribunal. Since the grievance of the applicant is that the order of the Tribunal has not been complied with by the Director of Health Services, Government of West Bengal, we are of the view that the contempt application should be restored. However, the order of this Tribunal in connection with contempt application on June 20, 2017 is reasoned order on merit and as such the said order cannot be recalled at this stage.* *In view of our above findings MA 136 of 2017 is allowed. CCP No. 186 of 2016 is restored to its original file and number. Liberty is given to the advocate on record for the applicant to implead the name of the present Director of Health Services, Government of West Bengal as contemnor by way of amendment of cause title of contempt application in course of this day. The applicant is directed to serve fresh notice and copy of the application on the present contemnor within a period of 4 (four) weeks from this day and to file affidavit of service on the next date of hearing.* *List CCP-186 of 2016 under the heading hearing on* ***14.05.2018****.* **( S.K.DAS) ( R.K.BAG)**  **Member ( A) Member (J)**  |  |