

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman &
 Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. MA 199 of 2019 and MA 200 of 2019 (OA 775 of 2016).
SUSMITA CHAKRABORTY - VERSUS- THE STATE OF W.B. & 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>3</p> <hr/> <p>7.11.2019.</p>	<p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>The application, being MA 199 of 2019, has been filed for condoning the delay in filing application MA 200 of 2019, arising out of OA 755 of 2016, for recalling/ modifying/ clarifying the order dated 17th July, 2019 passed in OA 775 of 2016.</p> <p>Perused the application for condoning the delay. We find sufficient ground has been made out for condoning the delay in moving the application in MA 200 of 2019. Therefore, the delay of nineteen days in moving the application, being MA 199 of 2019, is condoned. The application allowed.</p> <p>The application, MA 200 of 2019, has been filed praying for recall of the order dated 17th July, 2019 which is as under :-</p> <p><i>".....In this application the applicant has challenged the order of transfer dated 29th June, 2016 transferring her from Birkulti to Uttar Dinajpur.</i></p> <p><i>Mr. G.P. Banerjee, learned advocate for the</i></p>	

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	<p><i>applicant submits that though the applicant has filed the application challenging the order of transfer, however, she has joined the transferred post which is not disputed by Mr. S. Ghosh, learned advocate for the State respondent. Mr. Banerjee submits that though the applicant has joined the transferred post as she is facing difficulty, direction may be issued upon the respondent authorities to grant liberty to file representation ventilating her grievances and to get transferred.</i></p> <p><i>Having heard Mr. Banerjee and Mr. Halder, learned advocates for the parties and considering the fact that since the applicant has joined the transferred post, no order is passed on this application. The application is disposed of. However, as prayed for, the applicant is at liberty to file representation ventilating her grievances regarding transfer before the Director of Health Services and Ex-officio Secretary, West Bengal, Kolkata – the respondent no. 2 within eight weeks from the date of obtaining a copy of this order. If such representation is filed, the respondent no. 2 shall dispose of the same by passing a reasoned order to be communicated to the parties within twelve weeks thereafter, after giving an opportunity of hearing....”.</i></p>	

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Skg.	<p>It is submitted by Mrs. S. Mitra, learned advocate for the applicant that on instruction from her client, who is present in Court today, that as no such instruction was issued to Mr. G.P. Banerjee her erstwhile advocate, as recorded in the order dated 17th July, 2019, the said order may be recalled.</p> <p>Mr. G.P. Banerjee, who is present Court submits that he had appeared on behalf of the applicant and made submission on the basis of the instruction from his client, that is Susmita Chakraborty, the applicant.</p> <p>Mr. S. Ghosh, learned advocate for the State respondent submits that since order was passed on the basis of the submission of Mr. Banerjee which was on the basis of instruction from his client, the instant application is frivolous.</p> <p>Heard Mrs. Mitra and Mr. Ghosh. Since we find that Mr. Banerjee had made submission on the basis of instruction and on that basis order was passed, no order is passed on the application. The application is dismissed.</p> <p>(P. Ramesh kumar) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	

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