

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – OA-901 of 2019.

Madhabi Adak. 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>01</p> <p>-----</p> <p>22-11-2019</p>	<p>For the Applicant : Mr. S. K. Maiti, Advocate.</p> <p>For the State Respondents : None.</p> <p>The instant application has been filed praying for the following reliefs :-</p> <p>a) To pass an order thereby setting aside the quashing the impugned Circular dated 15-11-2019 and its connected panel i.e. Annexure "H" herein issued by the Director of Medical Education W.B. & Chairman Central Selection Committee thereby directing the respondent authorities not to disturb the applicant in her service before completion of entire period of one year scheduled to be completed on 30th June, 2020.</p>	

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	<p>b) To pass an order thereby setting aside the impugned Circular under challenging i.e. Annexure “H” herein dated 15-11-2019 and its connected all subsequent steps thereby directing the concerned respondent authorities to take immediate steps by issuing approval for extension of house staffship for remaining period out of total one year to the applicant forthwith within a short mandatory period without any further delay.</p> <p>c) To call for t records of the case and after perusing the records and causes shown if any directing the respondent authorities to allow the applicant to continue her service till the complete of agreed period of one year scheduled to be exhausted on 30th June 2020 and to disburse remuneration and other benefits as usual regularly till that period and to set aside and quash the</p>	

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	<p>impugned Circular dated 15-11-2019 and its connected all steps taken by the authority concerned.</p> <p>d) To pass such other or further order or orders as this Hon'ble Tribunal may deem fit and proper.</p> <p>As per the applicant, she was selected for the post of Stipendiary Dental House Staff in the discipline of Dental Department of Purba Midnapur District Hospital and was instructed to join the said post w.e.f. from 01-07-2019 vide Memo dated 27-06-2019 in terms of the circular dated 01-11-2013, whereby the tenure of appointment of the candidate was stipulated for a period of one year in two six monthly terms. Pursuant to that, the applicant had joined the said post w.e.f. 01-07-2019. However, as per the applicant though as per Circular dated 01-11-2013, the number of sanction post for Stipendiary Dental House Staff was 34 in number and in the mean time, the applicant was selected for the said post along with other.</p>	

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	<p>However, all of a sudden vide Circular dated 15-11-2019, the State respondents in terms of the Memo dated 25-04-2013 had prepared a fresh merit list of 50 Dental Surgeon against the 34 sanction Stipendiary Dental House Staff posts. As per the applicant, as there are only 34 Stipendiary Dental House Staff sanction post therefore she is in the appreciation that she may be removed. Being aggrieved with, she has filed the instant application.</p> <p>However she has made a representation on 19-11-2019 though affidavit of service has been filed but none for the respondents has appeared. It is noted that the applicant was selected for the post of Stipendiary Dental House Staff, the discipline of the Dental Department on and from 01-07-2019 and as per her own record, she along with others had applied for extension of their period, which was forwarded by the Superintendent of Purba</p>	

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	<p>Midnapur District Hospital to the Director of Medical Education, West Bengal and Chairman Central Selection Committee by Memo dated 24-10-2019. On perusal of her joining order as well as forwarding letter of the Superintendent of Purba Midnapur District Hospital and as per the submission of the applicant, it is observed that till date neither termination order has been issued against her or her representation has been rejected. Therefore in our considered view as even six months has not been lapsed after submitting her representation and in absence of any termination letter, no cause of action has arisen to file this instant application.</p> <p>Since the applicant had made a representation on 19-11-2019 and had approached this Tribunal today i.e. on 22-11-2019. In our considered view, no cause of action has yet been arise. Accordingly, the application is dismissed being premature.</p>	

