

22.08.2023
Item No.19
Ct. No.5
CHC
(dismissed)

WP. ST 228 of 2016

**Dr. Sridam Chowdhury
Vs.
The State of West Bengal & ors.**

Mr. Bikash Ranjan Neogi
...for the writ petitioner

Mr. Tapan Kr. Mukherjee, Sr. Advocate & A.G.P.
Mr. Somnath Naskar
...for the State respondents

The writ petition is directed against an order dated February 17, 2016 passed by the West Bengal Administrative Tribunal in O.A.850 of 2013.

By the impugned order, the Tribunal was pleased to negate the claim of the writ petitioner for payment of remuneration for the period during which, petitioner officiated as a Medical Officer, Homeopathic for the period from February 13, 1990, July 3, 1995 and June 30, 2011 to December 17, 2011.

Learned advocate appearing for the writ petitioner submits that, the writ petitioner was a Homeopathic Compounder in a Homeopathic Dispensary. The writ petitioner initially approached the Tribunal with a prayer for appointment as Medical Officer by dint of his subsequent qualification. The Tribunal directed Principal Secretary to consider his representation. The

Principal Secretary, considered his representation and negated his claim. Aggrieved thereby, the writ petitioner approached Tribunal again. This time also the writ petitioner was unsuccessful. The writ petitioner approached the High Court by way of writ petition being W.P.S.T.61 of 2011, which was disposed of by an order dated April 4, 2011.

Learned advocate appearing for the writ petitioner submits that by order dated April 4, 2011 passed in W.P.S.T.61 of 2011, the Health Secretary was directed to consider the issue in the light of the observation made in the order dated April 4, 2011, if the writ petitioner is otherwise eligible.

Learned advocate appearing for the writ petitioner submits that the Health Secretary decided the representation by writing dated April 5, 2013 negating claim. Such writing was assailed before the Tribunal in O.A.850 of 2013 which resulted in the impugned order.

Learned advocate appearing for the writ petitioner draws attention of the Court to the writing dated May 23, 2002 and submits that, the Chief Medical Officer of Health, Jalpaiguri directed the writ petitioner to officiate in the post of Medical Officer which the writ petitioner did. The writ petitioner is entitled to remuneration for officiating at such post during such period.

State is represented.

The writ petition claims remuneration for working as Medical Officer Homeopathic from February 13, 1990, July 3, 1995 and from June 30, 2011 to December 17, 2011.

Tribunal considered such claim. Tribunal found that there was no document authorising the petitioner to work as Medical Officer Homeopathic for the period as noted above. In such circumstances, the Tribunal refused to grant relief as prayed for by the writ petitioner.

In the writ petition, nothing is placed before us to suggest that the finding returned by the Tribunal that, there was no material to establish that the writ petitioner was directed to officiate as Medical Officer Homeopathic such period was perverse.

In such circumstances, we find no merit in the present writ petition.

WP.ST 228 of 2016 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)