

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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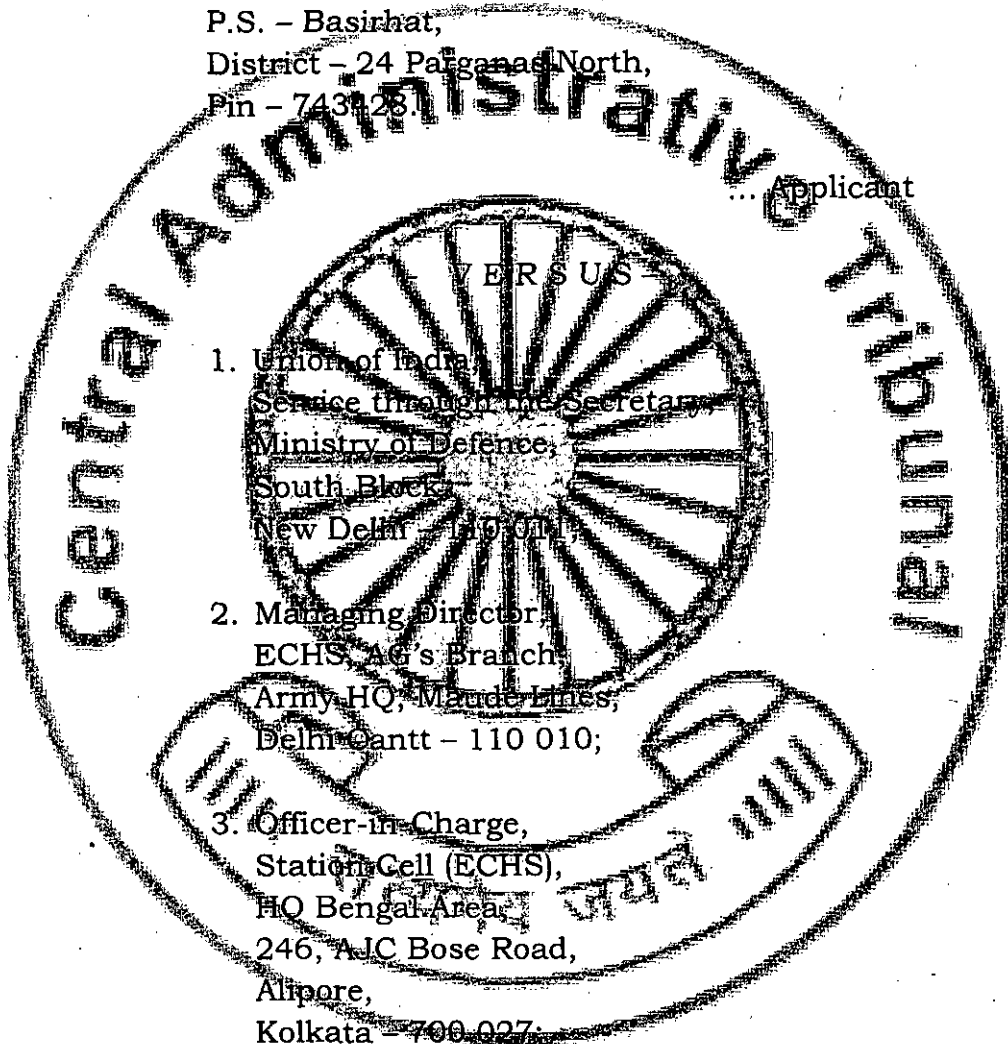
No. O.A. 350/00719/2018

Date of order : 8.7.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Ex-Hon Sub Maj Subindu Kumar Mandal,
Son of Late Bhakta Charan Mandal,
Residing Vill - Beler Dhanya Kuria,
P.O. - Sikra Kulingram,
P.S. - Basirhat,
District - 24 Parganas North,
Pin - 743123.

... Applicant



1. Union of India,
Service through the Secretary,
Ministry of Defence,
South Block,
New Delhi - 110 011;
2. Managing Director,
ECHS, AG's Branch,
Army HQ, Maude Lines,
Delhi Cantt - 110 010;
3. Officer-in-Charge,
Station Cell (ECHS),
HO Bengal Area,
246, A.J.C Bose Road,
Alipore,
Kolkata - 700 027;
4. Ex-Hav/PNA K.Z. Ali,
Son of unknown,
ECHS Polyclinic,
Alipore,
Kolkata - 700 027.

..... Respondents

For the Applicant : Mr. A.K. Khan, Counsel

For the Respondents : Ms. D. Nag, Counsel

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ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- i. The impugned letter of termination being Letter No. 103/8/ECHS/27 dated 24 Jan 2018 issued by OIC ECHS, Station Cell ECHS, HQ Bengal Area, be declared illegal and be set aside;
- ii. The applicant be declared entitled to get reappointed as Nursing Assistant in ECHS Polyclinic Kolkata w.e.f. 01 Apr 2018;
- iii. Cost of the application;
- iv. Such other/further Order/Orders as the Hon'ble Court may deem fit and proper.

2. Heard both Id. Counsel, examined pleadings, documents on record. This matter is taken up at the admission stage.
3. The applicant's submissions, as made through his Ld. Counsel, is that the applicant, after retirement from Army, responded to an Employment Notification for the post of Nursing Assistant in the Polyclinics of Ex-Serviceman Contributory Health Scheme (ECHS) in Kolkata and outskirts. The applicant had attended the interview and was selected for the post on contractual basis but, after being renewed annually, his contractual appointment was terminated on 23.1.2018 despite the fact that he had attended the interview for the same.

According to the applicant, all other persons except him, who were working in their respective positions as contractual Nursing Assistants have been reselected and their appointments were extended.

The applicant had preferred a representation dated 20.4.2018 but the same not having been replied to, and, being aggrieved, the applicant has approached the Tribunal in the instant O.A.

Ld. Counsel for the applicant further submits that the applicant would be fairly satisfied if a direction is issued on the concerned

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respondent authority to decide on the representation of the applicant dated 20.4.2018 at Annexure A-5 to the O.A.

5. Ld. Counsel for the respondents does not object to consideration of such representation in accordance with law.

6. Accordingly, without entering into the merits of the matter and, with the consent of the parties, we direct the respondent No. 3, who is the Officer-in-Charge, Station Cell (ECHS) HQ Bengal Area, Kolkata to examine the contents of the representation of the applicant dated 20.4.2018, if received at his end, within a period of six weeks from the date of receipt of a copy of this order. The concerned respondent authority shall decide in accordance with law and convey his decision in the form of reasoned and speaking order forthwith thereafter to the applicant.

In case a favourable decision is taken with regard to the applicant, necessary action may be taken by the respondent authorities consequent to the same within a further period of eight weeks of the decision.

7. With these directions, O.A. is disposed of. There will be no orders on costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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