

Sub. : W.P. No. 5581 (W) of 2009 - Dr. Sailendra Kr. Chowdhury Vs. State of West Bengal & others.

Enclosed the communication of the Chairman, Sainthia Municipality bearing no. 1071/SM/2009 dt. 26.03.2009 along with copy of W.P. wherein Director, SUDA is one of the five Respondents. The enclosed communication was received by Director, SUDA on 30.03.2009.

In this connection, this is to state that as per letter of Dept. of Municipal Affairs bearing no. 1181/MA/C-10/3S-55/2005 dt. 28.09.2007 Dr. Sailendra Kr. Chowdhury was temporarily engaged as Medical Officer @ Rs. 300/- per day not exceeding Rs. 6,000/- in a month for a period of six months w.e.f. 31.01.2008 as a stop gap measure. Subsequently the tenure of Medical Officer was extended for a further period of two months w.e.f. 01.08.2008 and followed by extension of six months w.e.f. 01.10.2008 on existing terms & conditions.

As Sainthia Municipality could not engage Health Officer, Central advertisement was floated by SUDA on 01.02.2009 along with insertion in the website of Dept. of Municipal Affairs and CMU inviting applications from the eligible candidates as per GO No. 451/MA/C-10/3S-55/2005 Pt. dt. 22nd April, 2008 and Memorandum No. 263/MA/O/C-9/3R-1/2004 dt. 16th June, 2008. The Chairman has forwarded the list of nine applicants (in response of Central advertisement) amongst which only six candidates are within the specified age group i.e. 32 years and in respect of experience the qualifying applicants are only two who are beyond the scheduled age limit. Dr. Sailendra Kr. Chowdhury is 55 years old and having experience of 30 years +. Dr. Chowdhury applied to the Chairman, Sainthia Municipality dt. 16.02.2009 for continuation as Health Officer (from the post of temporarily Medical Officer) after condoning age bar. The selection of Health Officer could not been undertaken by Municipality due to ensuing Parliament Election.

Dr. Chowdhury filed Writ Petition before the Hon'ble High Court on 20.03.2008(?) as stated by Advocate of Dr. Chowdhury, the hearing date of which was on 25.03.2009.

Submitted for granting further advice.

We may approach the Deptt. for engagement of lawyer to defend SUDA. UCB be requested also to communicate the order of the court, if any.

Goswami
01.04.09

Chin
02/4/09

* C/P - ①

C/P - ②

** C/P - ③

** C/P - ④

C/P - ⑤

C/P - ⑥

Director, SUDA

Instruction at pre-page.

- ① Draft letter to the chairman, Sainthia Mpl. is enclosed for signature, if approved.
- ② Letter to the Dept. for engagement of lawyer is enclosed for signature if approved.

Submitted.

Despatched.

~~Director SVDA~~

~~PO (H)~~

~~Signature~~
06.04.09

Chin
7/4/09

~~Signature~~
7.4.09.

Placed herein comm. of the chairman Sainthia Mpl bearing no. 4040/SM/2009 dt. 04.12.09 seeking advise regarding extension of ^{tenure of} Medical Officer which will expire on 21.1.2010.

This is to state that the Sainthia Mpl. ^{temporarily} engaged Dr. Saitendra kr. Choudhury as Medical Officer @ Rs. 300/- per day not exceeding Rs. 6000/- per month.

- vide para 2 of NSP-I. Till date HO has not been engaged by the ULB, as the writ petition was filed by Dr. Choudhury, though we requested the chairman to forward copy of order of the Hon'ble High Court, but not yet received any

As the case is subjudice, we are not in a position to advise the URB. If approved we may inform the URB accordingly.

~~Director, SWDA~~

~~PO/H~~

~~PO/SS/amm~~
15.01.10

Draft letter is enclosed for signature, if approved.

Urb
15/1/10

~~PO/SS/amm~~
19.01.10

Urb
21/1/10

~~PO/SS/amm~~
22.1.10

Despatched.

~~PO/H~~

Placed herewith Comm. of Sri Ashis Kumar Chowdhury, 2d. Advocate, Calcutta High Court dt. 08.09.2010 in respect of WPRO 5581(W) of 2009 along with annexure. The matter will be taken up by His Lordship on 15.9.2010 or so soon thereafter.

Statement of fact along with annexure may be forwarded to the Dept. for engagement of Lawyer.

Draft letter is enclosed for signature, if approved.

~~PO/SS/amm~~
13.09.10

~~Director, SWDA~~

As discussed para-wise comments are placed along with annexures for taking further necessary action.

~~PO/SS/amm~~
14.09.10

Urb
14/9/10

Despatched

~~PO/SS/amm~~

~~Director, SWDA~~

~~PO/H~~