

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

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – O.A. 1004 of 2019

**DR. ARUP DE SARKAR** Vs The State of West Bengal & Ors.

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>18.02.2020</p>	<p>For the Applicant : Mr. G.P. Banerjee, Mr. A. Samanta, Advocates</p> <p>For the Respondents : Mr. S. Ghosh, Advocate</p> <p>Let affidavit of service filed be kept on record.</p> <p>Since in spite of service of notice, none appears on behalf of the State respondents, Mr. S. Ghosh, learned advocate, who normally appears on behalf of the State authorities, is requested to appear in the matter. The Legal Remembrancer, West Bengal is directed to regularise his appointment. Let a copy of the Original Application be served on Mr. Ghosh, which is served and accepted.</p> <p>In this application, the applicant, who had joined on 1<sup>st</sup> June, 1992 as a Medical Officer in the West Bengal Health Services cadre under the Department of Health and Family Welfare, Government of West Bengal and whose services were confirmed on 1<sup>st</sup> June, 1995 and thereafter joined the West Bengal Medical Education Service on 4<sup>th</sup> January, 2013 and has filed an application on 7<sup>th</sup> December, 2018 for voluntary retirement from 1<sup>st</sup> March, 2019, has prayed for the following reliefs:</p>	

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	<p>“a) An order directing the respondents and each of them to consider, approve the application of your petitioner dated 28.11.2018 for Voluntary Retirement from service being Annexure – G to this application and answer in affirmative;</p> <p>b) An order directing the respondents and each of them to allow the application of the applicant for Voluntary Retirement from service being Annexure – G and the applicant be served with an official order of allowing the prayer for voluntary retirement from his service;</p> <p>c) To pay all retirement benefits and pension as available to the petitioner under the VRS scheme;”</p> <p>It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that since the application praying for voluntary retirement dated 28<sup>th</sup> November, 2018 was received by the respondents on 7<sup>th</sup> December, 2018, the respondents may be directed to consider and dispose of the same.</p>	

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SCN.	<p>Mr. S. Ghosh, learned advocate appearing on behalf of the State respondents submits that though on the similar issue a writ petition filed by the State authorities is pending before the High Court, however, if directed, the respondents will consider the matter in accordance with law.</p> <p>Heard learned advocates for the parties.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Secretary, Department of Health and Family Welfare, Government of West Bengal, now designated as Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, Kolkata – the respondent no.1 to dispose of the application for voluntary retirement by passing a reasoned order to be communicated to the parties, within fifteen weeks from the date of presentation of a copy of this order, after giving an opportunity of hearing and after verifying the records.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	