

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. 181 of 2020

CHAMELI KHATUN 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>21.09.2020</p>	<p>For the Applicant : Mr. S.N. Ray, Advocate</p> <p>For the Respondent : None</p> <p>Let affidavit of service filed be kept on record.</p> <p>In this application, the applicant, Chameli Khatun has prayed for several reliefs, the relevant portion of which is as under:</p> <p>(a) An Order do issue directing the setting aside / quashing of the order dated 07.02.2020 issued by the Director, Child Rights & Trafficking, rejecting the applicant's request of resuming duties.</p> <p>(b) An order do issue directing the concerned respondent authorities to forthwith permit the applicant herein to withdraw her resignation dated 24.07.2017 and forthwith resume her duties.</p> <p>As evident from the memo dated 4th April, 2017 it appears that the applicant had joined duties as Superintendent, Sahid Bandana Smrity Mahila Abash on 3rd April, 2017. Thereafter, as evident from page 17 of the</p>	

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	<p>application the applicant submitted her resignation on 24th July, 2017 before the Joint Secretary, Department of Women & Child Development and Social Welfare, Government of West Bengal, the respondent no.3. On 25th August, 2017 the applicant had sent a reminder for acceptance of her resignation. On the same date the Superintendent of the Sahid Bandana Smrity Mahila Abash, Cooch Behar sent a reminder to the Sub-Divisional Officer, Coochbehar Sadar, Cooch Behar reminding to accept the letter of resignation of the applicant. On 15th September, 2017 the applicant sent a letter to the respondent no.3 intimating that she was unable to continue with the service and requested for acceptance of the letter of resignation.</p> <p>It appears by letter dated 23rd October, 2017 addressed to the Sub-Divisional Officer, Coochbehar Sadar, Cooch Behar the applicant submitted that she was not in a position to resume her duties immediately and requested the salary and other bills be disbursed. During 2018 the applicant was silent. However, on 26th December, 2019 the applicant by a letter addressed to the Secretary, Women and Child Development and Social Welfare, Government of West Bengal, the respondent no.2 made a request for rejoining the Department. The Director, Child Rights and Trafficking, Government of West Bengal, the respondent no.4 turned down the request by an order the relevant portion of which is as under :</p>	

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	<p style="text-align: center;">“Subject: Relating to joining prayer of Smt. Chameli Khatun to the Deptt.</p> <p style="text-align: center;">Ref.no. : Latter dated 26th December,2020</p> <p style="text-align: center;">Apropos above, I am hereby directed to state that resignation of Smt. Chameli Khatun on 24th July, 2017 from the post of Superintendent of Sahid Bandana Smrity Balika Abash, Cooch Behar under the Deptt. of Women and Child Dev. & Social Welfare is irrevocable and cannot be cancelled.”</p> <p style="text-align: center;">Mr. S.N. Ray, learned advocate for the applicant submits that since the applicant for health reasons could not attend office and prays for withdrawal of her resignation, the impugned letter dated 7th February, 2020 is uncalled for and illegal. On a query it is submitted that the applicant last attended duties on 16th October, 2017 as evident from her letter dated 26th December, 2019. We have gone through the said letter dated 26th December, 2019 issued by the applicant but we find that she had intimated the authority that she had to leave Cooch Behar on 16th October, 2017.</p> <p style="text-align: center;">It appears that the applicant had tendered her resignation on 24th July, 2017 the relevant portion of which is as under:</p>	

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	<p style="text-align: center;">“Sub : <u>Resignation letter</u></p> <p style="text-align: center;">Sir,</p> <p style="text-align: center;">With due respect and humble submission, I beg to state that due to some unavoidable circumstances on personal reasons, I hereby tender my resignation from the post of ‘Superintendent’ of ‘Sahid Bandana Smrity Balika Abas’, under ‘Department of Women and Child Development and Social Welfare’.</p> <p style="text-align: center;">I hereby declare that I am in sound state of mind and I am fully aware of the consequences out of my resignation. I also declare that I am not giving this resignation out of any pressure on me from any side. I request the competent authorities kindly to accept my resignation so that I can focus on my personal matters suitably.”</p> <p style="text-align: center;">We find thereafter the applicant did not attend office not only in 2017 but also in 2018 and 2019. In fact she was silent in 2018 and till 26th December, 2019. Therefore, we are of the view that the Director, Child Rights and Trafficking, Government of West Bengal, the</p>	

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SCN.	<p>respondent no.4 was justified in issuing the letter dated 7th February, 2020 turning down her prayer for withdrawal of the letter of resignation. Hence the application is dismissed.</p> <p>Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	