

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. 58 of 2019

DR. JHUMA NANDI 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>2</p> <hr/> <p>25.02.2019</p>	<p>For the Applicant : Mr. M.N. Roy, Mr. R.K. Mondal, Advocate</p> <p>For the State Respondent: Mr. S.N. Ray, Advocate</p> <p>Let affidavit of service filed be kept on record.</p> <p>In this application, the applicant, a Medical Officer in the cadre of West Bengal Health Services, - has prayed for a direction upon the respondents to issue release order after accepting the resignation letter dated 20th October, 2017.</p> <p>It is submitted by Mr. M.N. Roy, learned advocate for the applicant that from the reasoned order it is not clear whether they have accepted the letter of resignation dated 20th October, 2017.</p> <p>Mr. S.N. Ray, learned advocate appearing on behalf of the State respondents submits that the impugned order is just and proper.</p>	

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	<p>Evidently the order under challenge was passed pursuant to the directions contained in the order dated 24th July, 2018 passed in O.A. 1073 of 2017 in the case of the applicant herself, the relevant portion of which is as under:</p> <p style="text-align: center;">“Having heard Mr. Ghosh, learned advocate for the applicant and Mr. Banerjee, learned advocate for the State Respondents and considering the facts and circumstances of this case, the Original Application is disposed of by directing the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent No.1, to dispose of the representation dated 20th October, 2017 by passing a reasoned order to be communicated to the parties within six weeks from the date of presenting a copy of the order after giving an opportunity of hearing and after verifying the records.”</p> <p>The relevant portion of the order impugned passed by the respondent no.1 appearing at page 29 of the application is as under :</p> <p style="text-align: center;">“And, whereas, The applicant</p>	

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	<p>Dr. Jhuma Nandi joined in the Govt. service on 16.05.2011 as a Medical Officer under the W.B. Health Services and posted at Indrapala PHC under Baruipur Block. Thereafter Dr. Nandi availed T.R. facility and went to study M.D. course in N.R.S. Medical College and it was completed on 19th August, 2017. On 22nd August 2017 the petitioner submitted a prayer before the Director of Health Services, WB for a suitable posting in her favour;</p> <p>And, whereas, the petitioner was detailed at Gopiballavpur Multi Super Speciality Hospital, Jhargram vide order No. A5289 dated 25.09.2017. On 17th October, 2017 the petitioner once again submitted a prayer before the DHS W.B. for a daily commutable posting with the request to give her a posting nearby her residence as she has a little girl child and ailing father and father-in-law. On 20th October, 2017, Dr. Nandi has tendered her resignation from Govt. Service. But the authority did not pay any heed to her application;</p>	

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	<p style="text-align: center;">Now, therefore, it is ordered that, the Joint Secretary (MA), Department of Health & Family Welfare, West Bengal and Dy. Director of Health Services (Administration), WB are directed for processing the acceptance of Dr. Nandi's resignation from Govt. service as per Govt. Rule.</p> <p style="text-align: center;">Thus, the case is disposed of. Let the copies of the Reasoned Order be communicated to all concerned accordingly.”</p> <p>As noted though the Principal Secretary, now redesignated as the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent No.1 was directed to dispose of the matter, however, we find that the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal has directed the Joint Secretary (MA), Department of Health & Family Welfare, West Bengal and the Deputy Director of Health Services (Administration), West Bengal, to process the acceptance of resignation of the applicant from the government service as per government rules. We are of the view that since the Tribunal had directed the Principal</p>	

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SCN.	<p>Secretary, now redesignated as the Additional Chief Secretary in the Department of Health and Family Welfare, Government of West Bengal to dispose of the representation dated 20th October, 2017, the impugned order directing the Joint Secretary (MA), Department of Health & Family Welfare, Government of West Bengal and the Deputy Director of Health Services (Administration) West Bengal to process the matter is not tenable as it is not in consonance with the order passed by the Tribunal and hence, the order is set aside and quashed. The application is allowed. Accordingly the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent no.1 is directed to dispose of the letter of resignation dated 20th October, 2017 by passing a reasoned order, which should contain the date of passing the order, to be communicated to the parties within six 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>	