

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. 599 of 2019

DR. KAUSIK REJ 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>02.09.2019</p>	<p>For the Applicant : Mr. M.N. Roy, Mr. B. Nandy, Advocates</p> <p>For the Respondents : Mr. G.P. Banerjee Advocate</p> <p>Let affidavit of service filed be kept on record.</p> <p>In this application the applicant, - who joined as General Duty Medical Officer at Tufanganj Mental Hospital, Cooch Behar on 18th March, 2008 and tendered his resignation on 7th December, 2015 and had requested the concerned authority to accept the same on and from 7th January, 2016 and who had subsequently moved an Original Application being O.A. 828 of 2017 (Dr. Kausik Rej Versus State of West Bengal & Others) and MA 14 of 2018 rising out of it, which was disposed of by directing the said respondent therein to dispose of the matter regarding pending disciplinary proceeding as well as the issue of voluntary resignation of the applicant by passing a reasoned order after giving an opportunity of hearing and after verifying the records, - has prayed for certain reliefs, the relevant portion of which is as under:</p> <p>“(a) An order do issue directing thereby the concerned respondent authorities to</p>	

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	<p>immediately issue a release order in favour of the applicant, pursuant to the Reasoned Order passed by the Additional Chief Secretary, wherein the resignation of the applicant has been accepted with effect from 07.01.2016.</p> <p>(b) An order do issue directing the concerned respondent authorities to forthwith transmit all the records of the instant petition, so that conscionable justice may be administered after setting aside and / or quashing the order / orders which affect the interest and entitlement of the applicant.”</p> <p>Mr. M.N. Roy, learned advocate on behalf of the applicant submits that though his client has accepted the reasoned order passed, appearing at pages 16 and 17 of the application, pursuant to the order of the Tribunal, if formal release order is not issued, in future the applicant may face difficulty in joining any post.</p> <p>Mr. G.P. Banerjee, learned advocate for the State respondent submits that as disciplinary proceedings have been dropped and prayer of resignation has been accepted with effect from 7th January, 2016 as seen from the reasoned order, the question of issuing formal release</p>	

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SCN.	<p>order does not arise.</p> <p>Heard Mr. Roy and Mr. Banerjee. The relevant portion of the reasoned order passed pursuant to the order of the Tribunal on 3rd December, 2018 in O.A. 828 of 2017 and MA 14 of 2018, is as under:</p> <p>“In consequence thereof, the prayer for resignation of the incumbent may be accepted with effect from 07.01.2016. The departmental proceeding drawn up against him becomes infructuous, and thus the same may be dropped.”</p> <p>It is apparent from the reasoned order that the State authorities have dropped the disciplinary proceedings pending against the applicant. It is also evident that the State authorities have accepted the letter of resignation of the applicant with effect from 7th January, 2016. Since the State authorities have accepted the letter of resignation of the applicant, the master-servant relationship between the applicant and the State authority has come to an end on 7th January, 2016. Therefore, the question of issuing formal release order does not arise. Hence, the application is disposed of.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	