

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. 872 of 2019

DR. SUJOY BISWAS 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
5 <hr/> 13.01.2020	<p>For the Applicant : Mr. T.D. Maiti, Advocate</p> <p>For the Respondents : Mr. A. Datta, Departmental Representative</p> <p style="text-align: center;">At the very outset Mr. T.D. Maiti, learned advocate for the applicant submits that since the respondent no.3 is not a necessary party, leave may be granted to expunge the said respondent from the array of respondents in the cause title. Accordingly leave is granted to expunge respondent no.3 from the array of respondents.</p> <p style="text-align: center;">In this application, the applicant, - who was appointed to the post of Lower Division Assistant / Clerk on 30th April, 2015, - has prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">“A. An order do issue by quashing and / or setting aside the order as passed by the respondent No.2 communicated vide his Memo No.3412 dated 14.11.2018 i.e. annexure ‘P-10’ of this application;</p> <p style="text-align: center;">B. An order be passed by directing the respondents to allow the applicant to join</p>	

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	<p>the post immediately by not giving any effect to the impugned decision of the respondent No.2, communicated vide his memo No. 3412 dated 14.11.2018, annexure 'P-10' of this application;"</p> <p>Mr. Maiti submits that though the applicant, by letter dated 11th July, 2018, due to family problem, had submitted resignation and thereafter on 31st August, 2018 had withdrawn the resignation letter, which was forwarded by the BL&LRO, Cooch Behar II, to the District Land and Land Reforms Officer, Cooch Behar through proper channel and though on 16th November, 2018 the Additional Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal, the respondent no.2 had addressed a memo to the Additional District Magistrate and District Land and Land Reforms Officer, Cooch Behar, the respondent no.4 calling for a report, however, as the resignation of the applicant has been accepted by memo dated 14th November, 2018, appropriate order may be passed setting aside the memo. Since the representation dated 7th March, 2019 addressed to the Principal Secretary and the Land Reforms Commissioner, West Bengal, the respondent no.1, has been made for resumption of job, appropriate order may be passed for consideration of the same.</p> <p>Mr. A. Datta, the Departmental Representative</p>	

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SCN.	<p>for all the respondents submits that, if directed, the respondent authorities will consider the representation dated 7th March, 2019 in accordance with law.</p> <p>Having heard Mr. Maiti and Mr. Datta and considering the facts and circumstances of the case, the application is disposed of at the stage of “New Application” by directing the Director of Land Records & Surveys and Joint Land Reforms Commissioner, Government of West Bengal, Alipore, Kolkata, the respondent no.2, to dispose of the representation dated 7th March, 2019, appearing at page 45 of the application, by passing a reasoned order to be communicated to the parties, within twelve weeks from the date of presentation of a copy of this order, after giving an opportunity of hearing and after having a report from the Additional District Magistrate and District Land and Land Reforms Officer, Cooch Behar. As prayed for, at the time of hearing the applicant is at liberty to take assistance of a competent person.</p> <p>Urgent certified copy of the order, if applied for, be furnished.</p> <p>(S.K. Das) MEMBER (A)</p>	<p>(Soumitra Pal) CHAIRMAN</p>