

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. 995 of 2019

DR. MAYOUKH KUMAR CHAKRBORTY 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>20.01.2020</p>	<p>For the Applicant : Mr. S. Ghosh, Advocates</p> <p>For the Respondents : Mr. G.P. Banerjee, Advocate</p> <p>For the Principal Accountant: Mr. B. Mitra, General(A&E) West Bengal Departmental Representative</p> <p>Let affidavit of service filed be kept on record.</p> <p>In this application, Dr. Mayoukh Kumar Chakraborty, the applicant, - who had joined the Government service on 1st October, 2010 as Medical Officer (Gynaecology) under the West Bengal Health Services and posted at Alipurduar District Hospital, under Superintendent Duty on detailment since 1st September, 2017 and remained posted there upto 31st July, 2018, - has prayed for certain reliefs, the relevant portion of which is as under:</p> <p>“(a) An order do issue directing the concerned respondent authorities to issue “Release Order” in favour of the applicant herein, in terms of the reasoned order dated 31/12/2018 passed by the Additional Chief</p>	

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	<p>Secretary, Health & Family Welfare Department without any further delay and further taking into account of the fact that the applicant has already deposited the bond amount of Rs. 10,00,000/- (Rupees Ten Lakhs Only) on 25.04.2019 and intimated the same to the Deputy Director of Health Services (Administration), Department of Health & Family Welfare, Government of West Bengal on 03.06.2019.</p> <p>(b) An order do issue directing the concerned respondent authorities to forthwith release the GPF, GIS amount within a stipulated time period.”</p> <p>We find pursuant to the order passed in O.A. 732 of 2018 (Dr. Mayoukh Kumar Chakraborty – Vs- The State of West Bengal & Ors.) on 27th November, 2018, the Additional Chief Secretary, Department of Health & Family Welfare, Government of West Bengal, has passed an order, the relevant portion of which is as under:</p> <p>“Now, therefore, after careful consideration of the entire gamut of the case, it is ordered that, the prayer</p>	

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	<p>of Dr. Mayoukh Kumar Chakraborty for resignation from Government service is accepted and he may be released after payment of bond amount (amounting for Rs.10 Lakhs).</p> <p>Thus the case is disposed of with the aforesaid order.....”</p> <p>It is submitted by Mr. S. Ghosh, learned advocate for the applicant that though resignation has been accepted, as no release order has been issued, the applicant is in difficulty. Moreover, as the applicant has deposited Rs. 10 lakhs as directed, as evident from pages 19, 20 and 21 of the application, the respondents may be directed to issue release order and to disburse the GPF, GIS and other admissible benefits in accordance with law.</p> <p>Mr. G.P. Banerjee, learned advocate for the respondents submits that if directed the respondents will issue release order in accordance with law.</p> <p>Mr. B. Mitra, the Departmental Representative adopts submission of Mr. Banerjee.</p> <p>We find that the Additional Chief Secretary, Department of Health & Family Welfare, Government of West Bengal, the respondent no.1 has accepted the resignation of the applicant, as evident from page 15 of the Original Application.</p>	

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SCN.	<p>Having heard learned advocates for the parties, as the resignation of the applicant has been accepted and as the applicant has deposited Rs. 10 lakhs as directed, the application is disposed of by directing the Director of Health Services, Government of West Bengal, Kolkata, the respondent no.2 to issue release order, if not already issued, and to disburse the admissible benefits of the applicant in accordance with law within twelve weeks from the date of presentation of a copy of the certified copy of this order, after compliance of formalities.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	