

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.**

**Case No. –CCP-85 of 2023 (OA-42 of 2023)**

**Dr. Soumendra Datta. - Versus – Dr. Siddhartha Niyogi, The Director of Health Services, Health and Family Welfare Department, Government of West Bengal & Others.**

Serial No. and  
Date of order

For the Applicant

: Mr. M. N. Roy,  
Mr. S. Ghosh,  
Mr. G. Halder,  
Advocates.

02  
14.03.2024.

For the Alleged Contemnor /O.P.

: Mr. D. Kole,  
Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Mr. Ghosh and Mr. Roy, the learned counsels appearing on behalf the applicant submits that in terms of a direction of this Tribunal in OA-42 of 2023, the Director of Health Services passed a reasoned order on 02.02.2024. Submission is that despite a clear direction of this Tribunal that such reasoned order should be passed in the light of Hon'ble High Court's order in WPST-96 of 2022, the order is not in conformity with the direction of this Tribunal.

By passing this order and rejecting the prayer of the applicant it is understood that such resignation prayer was not accepted on the ground that the resignation letter "was not submitted as per the extant rules prescribed in circular no. HFW-43011(11)/176/2021/A4597 dated 15.09.2021". The reasoned order also mentions that the applicant after his release from on 04.11.2020 from Suri Multi Speciality Hospital he did not join his new place of posting at Falakata S.D. Hospital.

After hearing the submissions of the learned counsels, a direction is given to the alleged contemnor, the Director of Health Services to file

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Form No.

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Family Welfare Department, Government of West Bengal & Others.**

a copy of circular no. HFW-43011(11)/176/2021/A4597 dated 15.09.2021 before this Tribunal on the next date.

Since Mr. D. Kole, learned counsel for the alleged contemnor / O.P. has also submitted that such resignation letter was not submitted in the prescribed format, it is, therefore, necessary for this Tribunal to examine the prescribed format for such application. Let such copy of the prescribed format for resignation and copy of the resignation letter be filed before this Tribunal on the next date.

Let the matter appear under the heading 'Hearing' on 06.05.2024.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A)

HS/SM