

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – MA 79 OF 2022 (OA 318 OF 2022)

**DR. RAJAT BHATTACHARYA - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

02  
17.08.2022

For the Applicant : Mr. Manujendra Narayan Roy  
Mr. Gourav Halder  
Advocates

For the State Respondents : Mr. Sankha Ghosh  
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4<sup>th</sup> August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In the application, MA-79 of 2022 arising out of OA-318 of 2022, Dr. Rajat Bhattacharya, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

*“ (a) An order do issue thereby directing the respondent authorities to allow your applicant to retire voluntarily from service by disposing of the representation dated 27<sup>th</sup> June, 2022 in the light of the Notification No. 454-F (P) dated 1<sup>st</sup> day of February, 2021 by issuing appropriate order and disburse all accrued service benefits including pension and pensionary benefits within a stipulated time period.”*

It is submitted by Mr.M.N.Roy, learned advocate appearing on behalf of the applicant that since the applicant is visually disabled as evident from the disability certificate appearing at pages 14 to 16 of the application and at

**ORDER SHEET**

Form No.

**DR. RAJAT BHATTACHARYA**

Vs.

Case No. : **MA 79 OF 2022 (OA 318 OF 2022)**

**THE STATE OF WEST BENGAL & ORS.**

present he is 50 % visually disabled, appropriate order may be passed upon the respondents to dispose of the representation dated 27<sup>th</sup> June, 2022 praying for voluntary retirement in the light of the notification dated 1<sup>st</sup> February, 2021. Submission is since the applicant is a surgeon (Gynaecology and Obstetrics) and there has been gradually increase in his visual disability, appropriate direction may be issued on the respondents to consider the application for voluntary retirement.

Mr.S.Ghosh, learned advocate appearing on behalf of the state respondents submits since the matter regarding voluntary retirement of doctors is pending before the High Court, no order may be passed.

In reply, it is submitted by Mr.Roy, that as the applicant is a surgeon (Gynaecology and Obstetrics) and his visual disability is increasing day by day, the respondents may be directed to consider his application for voluntary retirement.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the miscellaneous application is disposed of by directing the Secretary now redesignated as Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no. 2 to dispose of the application for voluntary retirement of the applicant dated 27<sup>th</sup> June, 2022, in the light of the notification no. 454-F (P) dated 1<sup>st</sup> February, 2021, by passing a reasoned order to be communicated to the parties within eight weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing and after verifying the records, including the disability certificates issued by the appropriate authority.

**ORDER SHEET**

Form No.

**DR. RAJAT BHATTACHARYA**

**Vs.**

Case No. : **MA 79 OF 2022 (OA 318 OF 2022)**

**THE STATE OF WEST BENGAL & ORS.**

Since nothing remains to be decided in OA-318 of 2022 which is appearing today under the heading “Admission Hearing”, no further order is passed on the said Original application and is also disposed of.

(SOUMITRA PAL)  
CHAIRMAN

BLR