

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN &**
HON'BLE SAYEED AHMED BABA, **ADMINISTRATIVE MEMBER.**

Case No. – MA 53 of 2022 (OA 350 of 2022).

DR. NILANJAN DATTA -Vs- THE STATE OF WEST BENGAL AND OTHERS.

Serial No. and Date of order	For the Applicant	: Mr. Surojit Samanta, Mr. Biswajit Samanta, Ms. Sohini Samanta, Advocates.
	For the State respondents	: Mr. Goutam Pathak Banerjee, Advocate.

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20.6.2022

The matter today appeared before the Single Bench. By order passed on this day, the matter was directed to appear before the 1st Division Bench having determination under the heading “Admission Hearing”.

The Registry was directed to publish the supplementary cause list today. Accordingly, the matter is appearing before the 1st Division Bench having determination. Let a copy of the supplementary cause list be kept on record.

Let affidavits of service affirmed on 9th June, 2022 and 20th June, 2022 filed by Ms. S. Samanta, the learned advocate on record be kept on record.

Since despite service of notice, none appears on behalf of the State respondents, Mr. G.P. Banerjee, learned advocate, who normally appears on behalf of the State authorities is requested to appear in this matter. Let copies of the Applications being MA 53 of 2022 and OA 350 of 2022 be served by Ms. Samanta, for the applicant on Mr. G.P. Banerjee, which is furnished and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

Mr. S. Samanta, learned advocate for the applicant submits that though the matter has appeared under the heading “To Be Mentioned”, as the issue is pending for long it may be taken up for hearing to which Mr. Banerjee, in his usual fairness does not oppose.

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Mr. S. Samanta submits that the Miscellaneous Application for condonation of delay has been filed as a measure of abundant precaution and may be taken up.

Heard Mr. Banerjee.

Causes shown for the delay, if any, in filing the Original Application are sufficient. Therefore, the delay, if any, in filing the Original Application, being OA 350 of 2022, is condoned.

The Miscellaneous Application is allowed.

The Original Application being OA 350 of 2022 is treated to be on record and is taken up for hearing.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

OA 350 of 2022.

DR. NILANJAN DATTA – VERSUS- THE STATE OF WEST BENGAL &
ORS

In the application Dr. Nilanjan Datta, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“b) Direction do issue directing the respondent authorities to issue forthwith a No Objection to the applicant in pursuance of the resignation dated 18.01.2019 to enable the applicant to livelihood in accordance with Article 21 of the Constitution of India and further to command them to act and proceed strictly in accordance with law;

c) Direction to issue quashing and/or setting aside any Notification/Rule/Regulation which may stand in the way of grant of No Objection on the resignation of the applicant under his notice dated 18.01.2019;”

It appears that the applicant had joined as Medical Officer, Dinhata S.D. Hospital, Cooch Behar on 29th August, 2016. It has been stated

that as he has been selected by the Steel Authority of India Limited, though an application for resignation dated 18th January, 2019 was submitted before the Superintendent, Dinhata SD Hospital, it has not been accepted. Thereafter, the applicant by e-mail prayed for acceptance of resignation before the Secretary, Department of Health and Family Welfare, Government of West Bengal , - the respondent no. 1. It appears that earlier the applicant had moved an application being OA 609 of 2021, which was disposed of on 1st October, 2021 by passing an order, the relevant portion of which is as under :-

“...Having heard the learned advocate for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Joint Director of Health Services (Administration), Government of West Bengal, the respondent no.2, to dispose of the letter of resignation dated 18th January, 2019 being annexure ‘D’ to the application, by passing a reasoned order to be communicated to the parties within 15 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...”.

It is submitted by Mr. Samanta, learned advocate for the applicant that after the instant Original Application being OA 350 of 2022 was filed, the learned advocate on record for the applicant has received a letter dated 20th May, 2022 issued by the Additional Director (Personnel) and E.O. Special Secretary, West Bengal requesting her to do the needful so that a personal hearing can be given by the Secretary, Department of Health and Family Welfare, Government of West Bengal as there is no such post with the designation of Joint Director of Health Services (Administration), Government of West Bengal, on whom direction was issued by order dated 1st October, 2021 to dispose of the letter of resignation dated 18th January, 2019. Let a copy of the said letter dated 20th May, 2022 be kept on record. Since in the instant application the issues are same, appropriate order may be passed directing the Secretary, Department of Health and Family Welfare, Government of West

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Bengal, the respondent no. 1 to dispose of the letter of resignation dated 18th January, 2019 being annexure "A-3" to the application.

Mr. Banerjee submits, if directed, the respondents will consider the letter of resignation in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Secretary, Department of Health and Family Welfare, Government of West Bengal, - the respondent no. 1 to dispose of the letter of resignation dated 18th January, 2019 being annexure "A-3" to the application, by passing a reasoned order to be communicated to the parties within six 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.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

Skg.

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