

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – MA-67 of 2022 (OA-329 of 2022)

Dr. Debasis Mukherjee VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S. Ghosh,
Mr. M.N. Roy,
Learned Advocates.

05
05.09.2022

For the State
Respondents : Mr. G.P. Banerjee,
Mr. R.K. Mondal,
Learned Advocates.

The prayer in this application is for direction to the respondent to issue the release order. Mr. Roy submits that the applicant Dr. Debasis Mukherjee, Assistant Professor (Orthopaedic) has submitted his resignation letter and applied for release order accordingly.

The respondents considered the application and rejected the same on the ground that the applicant had rendered less than five years of service in terms of Order No. 4499 –F(P) dated 26.08.2016 and he is not eligible for release.

Mr. M.N. Roy further submits that his applicant is similarly circumstanced to other similar cases for which the Tribunal had earlier ordered a direction to issue the release order. One such case is the case of Mukutmani Adhikari in which the Tribunal had issued direction to the respondent authority to release him.

After considering his resignation letter the same was upheld by the Hon'ble High Court in WPST-25 of 2021 on 27.07.2021. Mr. Roy submits in view of the above, his applicant may also be released after accepting his resignation by the

respondent.

Mr. G.P. Banerjee appearing on behalf of the state respondent submits that if suitable direction is given, the respondent will consider accordingly.

After hearing both the learned advocates, the matter is disposed of by directing the Respondent No. 2, Secretary, Health & Family Welfare Department to consider the resignation letter dated 30.11.2021 of Dr. Mukherjee in the light of the case of Mukutmani Adhikari passed in OA -28 of 2021 and WPST 32 of 2022 within a period of four weeks from the date of presentation of this order.

Accordingly, both the MA & OA are disposed of.

SAYEED AHMED BABA
MEMBER (A)

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