

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. –OA 45 OF 2024

DR. RAJARSHI ROY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. M.N. Roy,
and Mr. S. Ghosh,
Date of Mr. G. Haldar,
order Mrs. S. Das,
Advocates

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04.09.2024 For the State Respondents : Mrs. S. Agarwal,
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 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has prayed for setting aside the impugned order dated 18.01.2024 rejecting his application for resignation in the interest of public. By this impugned order, the applicant has also been directed to continue his duties as Assistant Professor, Department of Anatomy, North Bengal Medical College & Hospital.

Citing personal reasons the applicant had submitted his letter of resignation before the Director of Medical Education on 19.12.2023 requesting for acceptance with effect from 04.01.2024. The applicant was holding the post of Assistant Professor, Department of Anatomy, North Bengal Medical College. Having submitted such a resignation letter the applicant stopped performing his duties with effect from 04.01.2024.

From the submission of Mrs. Agarwal and the letter of the Director of Medical Education dated 28.02.2024, it appears that after submitting his resignation letter, the applicant joined a non government institution, JNM Medical College, Kalyani. The Director of Medical Education had informed the JNM Medical College that the applicant had joined the new institution without approval defying direction to resume his duties. The DME also informs that the applicant is liable to face disciplinary proceedings for such disobedience.

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THE STATE OF WEST BENGAL & ORS.

The following issues arise from the message the letter of the DME conveyed to the Principal, JNM Medical College:

- (i) Whether the applicant, being an employee, was still obliged to comply with the direction of DME to resume his duties once his prayer for resignation was turned down ?
- (ii) Is an employee required to inform the employer in his resignation letter his/her future plans ?
- (iii) Does the employer have the right to reject an employee's letter of resignation ?

Mrs. Agarwal wishes to take instructions and submit on the next date. Let the matter appear under the heading "Hearing" on 20.11.2024.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.