

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 01 of 2024

Doli Bhattacharya -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G. Halder, Ld. Advocate.

For the State Respondent : Mr. S. Ghosh, Ld. Advocate.

01
06.02.2024

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.

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

Affidavit of service filed be kept on record.

In terms of this Tribunal's direction, the respondent authorities organised a Medical Board to examine the applicant. The relevant portion of the Report of the Medical Board is as under :

“The expert members of the Medical board have examined Smt. Doli Bhattacharya, H.A.(F) ON 25-05-2023 at 12:30 P.M. and advised to undergo various report and to consult Cardiologist and Endocrinologist preferably from any Government hospital. The said advised reports were submitted on 19-06-2023. The members opined that she is fit for further service of less laborious character than that which she had been doing.”

As it appears, the Medical Board has advised the applicant to consult a Cardiologist and an Endocrinologist, preferably from a Government hospital. The members of the Board were of the opinion that **she is fit for further service** of less laborious character.

Having received this Medical Report and being declared fit, the applicant prays for setting aside the Report and directing the authorities to allow her to retire voluntarily from service.

After hearing submissions of the learned counsels and considering the facts of this case, the Tribunal is of the firm opinion that the prayer relating to setting aside the report of the Medical Board is not admissible. Though she has been declared fit but unwilling to continue her service, she has prayed for voluntary retirement. The voluntary retirement being a separate cause of action, she is at liberty to file such a prayer before her employer.

With the above observation, this application is **disposed of** without passing any order.

SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)