

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. - OA 178 of 2021

(Professor) Dr. Santosh Kumar Mondal - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Ghosh, Mr. A. Mitra, Advocates.
<u>02</u> 08.03.2021	For the State Respondent	: Mr. G.P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Let affidavit of service filed on behalf of the applicant be kept on record.

In this application, Dr. Santosh Kumar Mondal, who was appointed in the West Bengal Health Service on 26th November, 2001 and thereafter had changed his stream to West Bengal Medical Education Service on 13th February, 2003 and presently posted at Diamond Harbour Government Medical College and Hospital as Professor, has prayed for several reliefs, the relevant portion of which is as under :

“..... (a) An order do issue directing the concerned respondent authorities to forthwith issue relieve order in favour of the applicant after accepting his resignation letter, so made by him on 09.02.2021 and subsequent reminder letter dated 22.02.2021 before The Director of Medical Education & Ex-officio Secretary, Department of Health & Family Welfare, Government of West Bengal, (Through Proper Channel), alongwith 13 points declaration within a stipulated time period, enabling him to join in the post of “Professor” at AIIMS, Kalyani, West Bengal in the department of “Pathology” at the earliest.

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(b) An order do issue directing the concerned respondent authorities to forthwith issue "Relieve Order" in favour of your applicant alongwith all dues without causing any further delay, so as to enable your applicant to join in the post of "Professor" at AIIMS, Kalyani, West Bengal in the department of "Pathology" at the earliest".

It is submitted by Mr. Ghosh, learned advocate for the applicant that as the applicant had applied for the post of Professor in the Department of Pathology at AIIMS, Kalyani in accordance with law after having the No Objection Certificate dated 11th March, 2019 and as the authorities of AIIMS has issued letter of appointment dated 6th February, 2021 and as the applicant by letter dated 9th February, 2021 has tendered resignation and by subsequent letter dated 22nd February, 2021 has enclosed the 13 points query, appropriate order be passed on the respondents, particularly on the Director of Medical Education and Ex-officio Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no. 2, to accept the resignation and to release him.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits, if directed the respondent authorities will consider the letter of resignation dated 9th February, 2021 and the letter dated 22nd February, 2021 along with 13 points query in accordance with law.

Having heard the learned advocates for the parties, since the authorities had given No Objection Certificate allowing the applicant to participate in the selection process for the post of Professor in AIIMS,

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Kalyani and as in the No Objection Certificate it has been mentioned that “In the event of his selection to the post, he ... will be relieved from the duty to take up the post of Professor, Pathology in AIIMS, Kalyani” and as the applicant has come out successful and letter of appointment dated 6th February, 2021 has been issued requesting him to join the post within one month, the application is disposed of by directing the Director of Medical Education and Ex-officio Secretary, Department of Health and Family Welfare, the respondent no. 2 to pass an order on the letter of resignation dated 9th February, 2021 along with the letter dated 22nd February, 2021 containing the 13 points query and issue of granting release order, to be communicated to the parties, within 7 days from the date of presentation of a copy of this order downloaded from the internet / website.

(SOUMITRA PAL)
CHAIRMAN

Rajib