

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 247 OF 2022

DIPAK RANJAN DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
16.06.2022

For the Applicant : Mr.Manujendra Narayan Roy
Mr.Gourav Halder
Advocates

For the State respondents : Mrs. Sunita Agarwal
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Dipak Ranjan Das, the applicant, Head Assistant in the Disaster Management and Civil Defence Department, Government of West Bengal, has prayed for several reliefs, the relevant portion of which is as under:

“ (a) An order do issue thereby directing the respondent authorities to issue necessary release order in connection to prayer dated 06.01.2021 for Voluntary Retirement from Service within a stipulated time period as the applicant has fulfilled the preconditions of Rule 75 (aaa) of W.B.S.R., Part-I, 1971.

b) An order do issue thereby direct the concerned respondent authorities to forthwith disburse all pension and pensionary benefits in accordance with law after issuance of specific order in terms of VRS application dated 06.01.2021, within a stipulated time period.

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(c) An order do issue directing the concerned respondent authorities to forthwith issue "Release order" in favour of your applicant without causing any further delay."

It is submitted by Mr.M.N.Roy, learned advocate for the applicant since the applicant has furnished application dated 6th January, 2021 before the respondents praying for early retirement from service under voluntary retirement scheme, appropriate order may be passed. As no disciplinary proceedings are pending or contemplated against him and he is covered by Rule 75 (aaa), of the West Bengal Rules Part I, the respondents may be directed to accept his application for voluntary retirement.

Mrs.S.Agarwal, learned advocate appearing on behalf of the State respondents submits that after the original application was filed, the applicant by letter dated 10th June, 2022 addressed to the Joint Secretary, WBSS, Department of Disaster Management & Civil Defence, Howrah, has undertaken that he would rejoin his office whenever he is declared fit for office duties and therefore, no order may be passed on this application. Let a copy of the letter dated 10th June, 2022 along with annexure filed today be kept on record.

In reply, Mr. Roy, on instruction from his client who is present in Court submits that though the letter dated 10th June, 2022 was submitted, the applicant is not pressing the said letter and it may be declared as nonest.

Having heard the learned advocates for the parties and considering the facts and circumstances, the application is disposed of by directing the Principal Secretary, Department of Disaster Management and Civil Defence,

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Howrah, the respondent no.3 to dispose of the application dated 6th January, 2021 of the applicant praying for voluntary retirement, being Annexure – ‘D’ to the application, by passing a reasoned order to be communicated to the parties within eight 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 record.

If the application for voluntary retirement is accepted, follow up action shall be taken by the said respondent for release of the dues and other benefits of the applicant expeditiously.

(SOUMITRA PAL)
CHAIRMAN

BLR