

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 259 OF 2020

DR. ASISH DASGUPTA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. K. C. Gupta,
and Advocate
Date of For the State Respondents : Mr. Sankha Ghosh,
order Advocate

5
12.05.2023

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 parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction upon the respondent Department to accept his voluntary retirement from service with effect from 13.01.2018.

Submission of Mr. K.C. Gupta, learned counsel for the applicant is that since no such consideration was done by the respondent authorities with regard to the applicant's prayer for voluntary retirement, the applicant in the meantime has reached the age of 65 on 16.11.2022 and thus superannuated.

Submission of Mr. Sankha Ghosh, learned counsel for the respondents is that since the applicant has superannuated by reaching the age of 65, the prayer of the applicant has become infructuous.

The Tribunal is of the opinion that the prayer for voluntary retirement with effect from 13.01.2018 has become infructuous in view of the fact that the applicant has now attended the age of 65. Accordingly, the application is disposed of with liberty to the applicant to file his representation before the concerned respondent for his pensionary and retiral benefits, if admissible.

It is, however, made clear that I have not gone into the merits of the matter and all points are kept open to be dealt with by the respondent No. 3.

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

SCN.