

**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 291 of 2023**

**Dipak Mitra - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

03  
12.12.2023

For the Applicant : Mr. G.P. Banerjee,  
Mr. S. Bhattacharjee,  
Learned Advocates.

For the State Respondents : Mrs. Sonali Mitra,  
Learned 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.

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

The prayer in this application is for a direction to the respondent authority to grant him Voluntary Retirement from the service on medical ground in terms of Rule 75 (aaa) of W.B.S.R.-I.

From the submissions of the learned counsels and the records, it is clear that the matter has been referred to the Secretary of the Deptt. by the Chief Engineer and Project Director on 27.01.2023. The learned counsels on the applicant's side have submitted that this applicant fulfils all eligible criteria to be covered for voluntary retirement on medical ground. On the other hand, Mrs. Mitra has submitted that since this applicant is a Work Charged employee and not under regular establishment and further, since more than 120 days of leave is yet to be regularised, this applicant is not eligible for such voluntary retirement under the extant rules. However, Mrs. Mitra has submitted that the matter is now pending for final decision at the level of Secretary of the

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Department.

Having heard the submissions of the learned counsels, this application is disposed of by directing the Respondent No. 1, Principal Secretary, Irrigation & Waterways Deptt. to consider the proposal for voluntary retirement of the applicant submitted by the Chief Engineer and Project Director on 27.01.2023 as per Rules and pass his reasoned order within three months from the date of communication of this order. Such a reasoned order passed by him be also communicated to the applicant within two weeks thereof.

This application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

SC