

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN.

Case No. – OA 318 of 2021.

DR. AMALENDU BARIK - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. G.P. Banerjee, Advocate.
<u>2</u> 27.08.2021	For the State respondents	: Mr. B.P. Roy, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunal Act, 1985.

Since it is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that pursuant to the order dated 6th August, 2021, the respondents have been served with the copies of the application, he is directed to file affidavit of service in course of this day.

In this application, Dr. Amalendu Barik, the applicant, who had joined as Medical Officer in the West Bengal Health Services cadre on 3rd July, 1992 and now posted as Senior Medical Officer in the department of Gynaecology & Obstetrics, in Diamond Harbour Government Medical College and Hospital, in the district of South 24-Parganas, has prayed for certain reliefs, the relevant portion of which is as under :-

a) *“.....A direction do issue upon the concerned respondent authorities to forthwith grant sanction of the prayer of the applicant dated 04th January, 2021 for voluntary retirement from service with effect from 05th April, 2021 afternoon having fulfilled all preconditions thereof prior to getting effect of amended provision of Rule 75(aaa) to*

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Sub-Rule (aaaa) of the West Bengal Service Rules, Part-I, 1971 and also in consonance with the Judgement dated 03rd January, 2017 passed in O.A. No. 346 of 2015 (Dr. Ashok Kumar Maiti and Others-Vs- The State of West Bengal and Others) by this Hon'ble Tribunal, being Annexure 'A' and 'C' herein, as well as to disburse all permissible retiring benefits in favour of the applicant and to command them to act strictly in accordance with law....”.

It is submitted by Mr. Banerjee that since it is evident from annexure 'A' to the application that the applicant has filed the application for voluntary retirement along with proforma on 4th January, 2021 and thereafter reminder was issued on 12th March, 2021, appropriate order may be passed. Reliance has been placed on the judgements delivered in WPST no. 26 of 2015 (State of West Bengal Vs. Sraban Kumar Ghosh) and in OA 346 of 2015 (Dr. Ashok Kumar Maiti and Others vs The State of West Bengal and Ors) in support of his application.

Mr. B.P. Roy, learned advocate, who appears on behalf of the State respondents submits that, if directed, the State respondents will consider the matter in accordance with law. Submission is the issue is pending before the Hon'ble High Court.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the matter is disposed of by directing the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, – the respondent no 1, to dispose of the application of the applicant for voluntary retirement, along with the proforma and the reminder by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order, after giving an opportunity of

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hearing, after verifying the records and after taking into consideration the judgements delivered in W.P.S.T. 26 of 2015 (State of West Bengal & Ors vs Dr. Sraban Kumar Ghosh) as well as the order passed by the Supreme Court and in OA 346 of 2015 (Dr. Ashok Kumar Maiti and Others vs. The State of West Bengal and Ors.).

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)
CHAIRMAN.

Skq.