

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 322 of 2021.

DR. SANJOY BHATTACHARYA - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

15
22.04.2024

For the Applicant : Mr. G.C.Chakraborty,
Mrs. S. Agarwal,
Learned Advocates.

For the State Respondents : Mr. S. Ghosh,
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

Mr. S. Ghosh, learned counsel for the State respondents has filed a copy of order of WP.ST 41 of 2023 (The State of West Bengal & Ors –vs- Sanjoy Raychaudhuri) and submits that on similar issue the Hon'ble High Court had heard and dismissed the matter. While examining the order, it is clear that the petitioners in that case had prayed for voluntary retirement from their post as Medical Doctors. The Hon'ble High Court after hearing the matter observed following :-

“.....In the facts of the present case, the private respondent belongs to the West Bengal Health Services, the State is yet to accept his application for voluntary retirement. The private respondent is not attending to his duties, we are informed, since the date of his submission of the voluntary retirement.

This course of conduct of a doctor should not be countenanced. Public interest stands affected by such a conduct. Health services will be severely impaired in the event such conduct of a person governed by the West Bengal Health Services is countenanced.

In such circumstances, on the strength of Dr. Tanmoy Mondal

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(supra , we set aside the impugned order of the Tribunal. The State will proceed as against the private respondent on the basis of his application for voluntary retirement not being accepted.....”.

After hearing the submissions of learned counsels and on examination of records, it is the findings of this Tribunal that a similar nature of case was earlier heard and disposed of by the Hon’ble High Court in WP.ST No. 41 of 2023, therefore, in light of such order, no order is required to be passed in this application. The application is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.