ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata - 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 322 of 2021

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

Serial No. and Date of order

: Mr. Gokul Chandra Chakraborty,

Mrs. Sunita Agarwal,

Advocates

9 05.08.2022

For the Respondents

For the Applicant

Mr. Sankha Ghosh, Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.496-WBAT / 1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

It is submitted by Mr. Gokul Chandra Chakraborty, learned advocate for the applicant that the application for voluntary retirement of the applicant under Rule 61 of the WBS (Death-cum-Retirement Benefits) Rules, may be accepted as it is not in connection with Rule 75 sub-rule (aaaa) of WBSR Part-I and therefore, the order of the High Court as mentioned in paragraph 4 of the reply is of no consequence.

Mr. Sankha Ghosh, learned advocate for the State respondents submits that as the question of voluntary retirement is to be decided first and thereafter, the question of applicability of rule 61 of the WBS (Death-cum-Retirement Benefits) Rules of WBSR Part-I is to be adjudicated, since in the case of Dr. Ashok Kumar Maity vrs. The State of West Bengal & Ors., the High Court, by order dated 6th March, 2020 has stayed the order of the Tribunal regarding voluntary retirement of the applicant therein and since the issue is pending, the matter may be adjourned.

Since it is evident from paragraph 4 of the reply filed by the State respondents that the issue is pending consideration before the High Court, the matter is adjourned. Let the matter appear under the heading "For Orders" on 12th September, 2022.

(SOUMITRA PAL) CHAIRMAN

SCN.

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THE STATE OF WEST BENGAL & ORS.

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