

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 333 OF 2024

DR. SREECHETA MUKHERJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. Manujendra Narayan Roy,
and Mr. Sankha Ghosh,
Date of Mrs. Subarna Das,
order Advocates

2 For the State Respondents : Mrs. Sonali Mitra,
03.09.2024 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.

Let affidavit of service filed be kept on record.

The applicant has prayed for a direction to the respondent authorities to accept her resignation dated 27.06.2024. The applicant was appointed on 17.04.2023 as Assistant Professor in the discipline of General Surgery and was posted at Sarat Chandra Chatterjee Government Medical College and Hospital, Uluberia. From the preliminary submissions, the Tribunal learns that the applicant has not completed five years of regular service. But, due to an incident relating to her work place, she feels she cannot continue any more working as a medical professional under the Health and Family Welfare Department.

Mr. Roy relies on a similar matter in which orders were passed by this Tribunal in favour of the applicant, the matter being O.A. 28 of 2021. Such an order was upheld by the High Court in W.P.S.T. 25 of 2021. Mrs. Mitra, learned counsel responds on behalf of the Department and submits that the applicant is not entitled to such resignation in terms of amended Rule 34A of W.B.S.R. Part 1 for the reason that she has not completed the minimum five years. Mrs. Mitra also submits that the State has moved the Hon'ble Apex Court in S.L.P. No.9166 of 2022, challenging the order of the Hon'ble High Court in W.P.S.T. 25 of 2021.

The matter is admitted.

Let the matter appear under the heading "Hearing" on 09.01.2025. Reply / Rejoinder, if any, in the meantime.

SCN.

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