

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 36 of 2022.

DR. SANTOSH KUMAR MONDAL –VS-THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. G. Halder, Advocates.
<u>4</u> 11.5.2022	For the State Respondents	: Mr. G.P. Banerjee, Advocate.
	For the Principal Accountant General (A & E) W.B.	: Mr. B. Mitra, Departmental representative.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Dr. Santosh Kumar Mondal, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“..a) An order do issue thereby directing the concerned respondent authorities to treat the resignation letter dated 09.02.2021 of your applicant as per Rule 33(2) of the West Bengal Services (Death cum Retirement Benefit Rules) 1971 and further to pay/disburse the amount of “Gratuity” as per the Rule 67 of West Bengal Services (Death cum Retirement Benefit Rules), 1971 taking into account of the fact that your applicant has served more than 19 years of service under the respondent authorities within a stipulated time period.

b) An order to issue directing the concerned respondent authorities to pay the amount of “Gratuity” for the period of 19 years of service rendered by your applicant @ 18% interest p.a. till the actual date of realization of the same...”.

It is submitted by Mr. M.N. Roy, learned advocate for the applicant that the applicant, who was a Professor in Diamond Harbour

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Medical College had tendered his resignation by letter dated 9th February, 2021 and as it was accepted with effect from 1st March, 2021, he is entitled to gratuity as he had completed nineteen years of service. Referring to the judgement passed by the Tribunal on 28th November, 2018 in OA 90 of 2017 Dr. Shreyasi Ray –Vs- The State of West Bengal & Ors, submission is since the issue is covered by the said judgement, appropriate order may be passed after considering the representation dated 13th July, 2021, being annexure 'E' to the application addressed to the Principal, Diamond Harbour Government Medical College & Hospital, West Bengal, - the respondent no. 3.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that, if directed, the respondent authorities will consider the issue regarding release of gratuity in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Director of Medical Education & Ex-officio Secretary, Department of Health & Family Welfare, Government of West Bengal, - the respondent no. 2 to dispose of the representation dated 13th July, 2021 regarding grant of benefit of service gratuity in terms of rule 67 of the DCRB Rules, 1971 within a period of twelve weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal and shall take necessary follow up of action for disbursement of the gratuity amount in favour of the applicant within a period of four weeks thereafter.

(SOUMITRA PAL)
CHAIRMAN.

Skg.

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