

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 41 of 2023

*Sujit Kumar Dutta* -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Ld. Advocate.
	For the State respondent	: None.
<u>02</u> 28.02.2023	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Depttl. Rep.

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 23<sup>rd</sup> 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, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on record.

Since this is an application for voluntary retirement, the Office of the Principal Accountant General (A&E), West Bengal is not required to be a party, hence, the name of Principal Accountant General (A&E), West Bengal as one of the respondents from this application be expunged.

In terms of the Tribunal's order dated 14.07.2022, the respondent passed a reasoned order considering the request of the applicant to accept his voluntary retirement. The respondent did not consider the application for voluntary retirement on the ground that the applicant has not completed twenty years of service to qualify him for voluntary retirement.

In this application, Mrs. S. Agarwal, learned counsel for the applicant submits that the respondent ignored the fact that the applicant had joined the Government service as a regular employee as Cashier-cum-Lower Division Clerk on 22.07.2002. Thus, the applicant has completed twenty years of service to qualify him for voluntary retirement. It appears that the applicant is suffering from some ailments and requires complete medical treatment. The applicant had submitted a prayer before the Director, ICDS on 19.12.2022.

Considering the submission of the applicant and the representation in which the applicant has mentioned 22.07.2002 as the date of joining and having completed twenty years to qualify him for voluntary retirement, the

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respondent no. 3, the Director, ICDS is directed to reconsider the application for voluntary retirement if it is established by office records that the applicant had joined the post on 22.07.2002 against regular vacancies and having completed twenty years of service to qualify him for voluntary retirement. The respondent is directed to pass a reasoned order within a period of 8 (eight) weeks from the date of communication of this order and communicate the same to the applicant within 2 (two) weeks thereof.

Accordingly, the matter is **disposed of.**

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**