

**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 413 OF 2024**

**DR. KABITA CHOUDHURY - Vs - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and  
Date of order

02  
01.10.2024

For the Applicant : Mr.Manujendra Narayan Roy  
Mr.Sankha Ghosh  
Advocates  
For the State respondents : Mrs.Sunita Agarwal  
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 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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authority to accept the resignation letter submitted by the applicant on 08.08.2024 requesting for acceptance and release from service with effect from 17.08.2024.

Submission of Mr.Roy, learned counsel is that despite submission of the resignation letter in proper format, the respondent has neither acted upon it nor communicated their decision to the applicant. Mr.Roy is also apprehensive that the offer given to the applicant by the E.S.I.C. Joka would not be available if acceptance of such resignation letter is not accepted or delayed.

From the submissions made by Mrs.Agarwal, learned counsel, it is clear that the competent authority in the Department of Health and Family Welfare is yet to take the decision in this matter. From the submissions of Mr.Roy, it has been known that the E.S.I.C. Joka where the applicant wishes to join has extended the time limit for such joining

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till 08.10.2024. It is, therefore, necessary that the Department takes the final decision with regard to such letter of resignation at the shortest possible time.

Therefore, the respondent No. 3, the Director of Medical Education is directed to take the final decision on the application praying for resignation from service with effect from 17.08.2024 by 30.10.2024.

Since a direction has been given to the respondent No. 3 for taking the final decision on the matter of resignation, the respondent No. 5 and 6, the Deputy Director, Employees' State Insurance Corporation Ministry of Labour & Employment and the Dean, ESIC PGIMSR & MCH, Joka are requested to extend the time limit for joining by the applicant till 15.12.2024.

Let the matter appear under the heading "For Orders" on 14<sup>th</sup> November, 2024.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR