

**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 416 of 2023**

**Dr. Ashutosh Nayak - Vs - The State of West Bengal & Others.**

Serial No. and  
Date of order

03  
20.12.2023

For the Applicant : Mr. M.N. Roy,  
Mr. S. Ghosh,  
Learned Advocates.  
  
For the State Respondents : Mr. A.K. DasSinha,  
Learned 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.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authorities to set aside the impugned order dated 19.05.2023 rejecting his application for resignation from service.

Submitting on behalf of the applicant, Mr. Roy relies on Rule 34 (a) of W.B.S.R. Part-I and submits that as per this Rule, the respondent authorities are duty bound to accept resignation from the applicant. More so, because the applicant having furnished his resignation letter, is not touched under any Disciplinary Proceedings nor is he under any financial liability before the employer. In support, Mr. Roy files a copy of this Tribunal's order dated 20.09.2023 in OA-269 of 2023 in which the Tribunal had directed the respondent authorities to accept the resignation letter and issue the release order to the applicant.

Responding on behalf of the state respondents, Mr. Sinha draws attention to few pages in this application, in particular the reason given by the applicant in his resignation letter. Submission of Mr. Sinha is that earlier in his joining letter he had mentioned Kolkata as his residence but

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in the resignation letter, he mentions Odisha as his home state where his wife, also a Doctor is living alone and he has also his aged parents to look after. Besides, the applicant has served just five years and six months in the State. As regards the reason in the reasoned order with larger public interest, Mr. Sinha reads out some figures of Specialists in different hospitals and submits that there is an acute shortage of doctors all across the state both in rural as well as urban areas.

Mr. Sinha also mentions about concrete steps being taken by the respondent authority in filling these vacant posts of Specialists in different hospitals. Mr. Das Sinha also express his disagreement to the order cited by Mr. Roy submitting that such order of the Tribunal in OA-269 of 2023 is not relevant to this case.

Let the respondent authorities file a reply in the form of report giving details of vacancy of doctors in different hospitals and also mentioning concrete steps taken to fill up these vacant posts.

Let such report be positively filed by the state on **29.04.2024** failing which the matter will be heard on the basis of records available.

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

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