

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN &**
HON'BLE SAYEED AHMED BABA, **ADMINISTRATIVE MEMBER.**

Case No. – OA 427 of 2022.

DR. RITUPARNA DAS -VERSUS-THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

3
8.7.2022

For the Applicant : Mrs. S. Sarkar,
Mr. S. Roy Chowdhury,
Advocates.

For the State respondents : Mr. G.P. Banerjee,
Mrs. S. Agarwal,
Advocates.

Affidavit of service filed today be kept on record.

In the application Dr. Rituparna Das, the applicant has prayed for several reliefs, the relevant portion of which is as under :-

“a) An order directing the respondents to forthwith issue a formal release order in favour of the applicant, on lien or otherwise, releasing her from the respondent no. 4 college, so as to allow her to join the post of RMO-CT (Paediatrics) in the respondent no. 6 college;...”

It has been stated that the applicant, who had joined on 25th January, 2019 and presently working as RMO-CT of Neonatology at Medical College Kolkata, had applied for the post of RMO cum Clinical Tutor of Paediatrics at College of Medicine and JNM Hospital, Kalyani. The applicant became successful and was selected. By letter dated 17th June, 2022, being annexure D to the application, request was made to the Director of Medical Education, Department of Health and Family Welfare, Swasthya Bhaban, Kolkata, - the respondent no. 3 to accept her technical resignation from the post so that she can join the post at JNM Hospital, Kalyani.

It is submitted by Mrs. S. Sarkar, learned advocate for the applicant that since a similar issue came up for hearing and the matter was disposed of by an order passed on 28th February, 2022 in OA 89 of 2022 (Dr.

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Sabyasachi Sarkar –Versus- The State of West Bengal and Ors) by directing the respondent no. 3 to consider and accept the letter of resignation by passing a reasoned order and as the applicant is similarly placed, appropriate order may be passed. Moreover, since it is evident from the notification dated 2nd March, 2022 issued by the Special Secretary to the Government of West Bengal, Department of Health and Family Welfare, Medical Education Branch, Kolkata, that the resignation of Dr. Sabyasachi Sarkar was accepted along with three other medical officers, who had filed similar applications, appearing at page 35 of the application, similar order be passed.

Mr. G.P. Banerjee, appearing along with Mrs. S. Agarwal, learned advocate on behalf of the State respondents, submits since the applicant has not been confirmed and not made permanent and as she is not entitled to lien, no order be passed.

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, Department of Health and Family Welfare, Government of West Bengal, - the respondent no. 3 to consider the application for resignation of the applicant dated 17th June, 2022 and shall pass reasoned order to be communicated to the parties by 18th July, 2022 after verifying the records and after considering the order passed in OA 89 of 2022 and the notification dated 2nd March, 2022.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

Skg.

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