

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 436 of 2022.

DR. SOUMENDRA DATTA -Versus- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. S. Ghosh, Mr. A. Mitra, Advocates.
<u>5</u> 12.8.2022	For the State Respondents	: Mr. G.P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Pursuant to the direction of the learned Registrar, Mr. G.P. Banerjee, learned advocate had appeared on behalf of the State respondents. Today also he appears on behalf of the State respondents. The learned Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

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

“a) An order do issue directing the concerned respondent authorities to forthwith issue relieve order alongwith all dues in favour of the applicant after accepting his resignation letter, so made by him on 03.06.2022 before The then Secretary to the Government of West Bengal, Health & Family Welfare Department (now re-designated as Principal Secretary) as well as before The Director of Health Services, Department of Health & Family Welfare, Government of West Bengal, within a stipulated time period.

b) An order do issue directing the concerned respondent authorities to forthwith issue “Relieve Order” in favour of your applicant alongwith all dues without causing any further delay as the applicant has

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completed the statutory notice period in the meantime.....”.

At the very outset Mr. G.P. Banerjee, learned advocate for the State respondents submits that the Deputy Director of Health Services (Administration) West Bengal by memo dated 12th July, 2022 addressed to the applicant has replied to the said letter of resignation. Let a copy of the said memo be kept on record and a copy of the same be furnished to Mr. M.N. Roy, learned advocate for the applicant. Since the applicant has been released from Suri, Birbhum and has been transferred to Falakata in Alipurduar district, the applicant should join at Falakata at the earliest for regularisation of his leave period/absence period of one and a half year.

Mr. Roy submits that in the event his client joins at Falakata letter of resignation dated 3rd June, 2022 would become infructuous and the respondent authorities should cooperate to which Mr. Banerjee submits that such question does not arise in view of memo dated 12th July, 2022 and the circular dated 15th September, 2021.

Since the respondents, pursuant to the letter of resignation dated 3rd June, 2022, has issued memo dated 12th July, 2022, no order is passed on the application. The application is disposed of.

(SOUMITRA PAL)
CHAIRMAN.

Skg.

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