

**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 446 OF 2023**

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

Serial No. and Date of order  
For the Applicant : Mrs. Sonali Mitra,  
Advocate  
For the Respondents : Mr. Sankha Ghosh,  
Advocate

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18.07.2024

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.

The prayer in this application is for setting aside the impugned reasoned order passed by the Director of Medical Education dated 09.11.2022. In terms of this Tribunal's direction in O.A. 385 of 2022 such reasoned order was passed regretting the prayer of the applicant to allow him to proceed on study leave. The respondent authorities observed that a disciplinary proceeding as well as a criminal case is pending against the applicant. Therefore, decision to consider such prayer for trainee reserve is kept in abeyance.

After hearing the submissions of the learned counsels and considering the facts and circumstances of the case, the Tribunal is of the opinion that consideration of an employee's prayer to pursue a further specialised course on study leave is the sole discretion of the employer. Besides, in this case, it is not in dispute that a disciplinary proceeding and a criminal case are pending against the applicant.

In view of the above facts manifest in the records, the Tribunal does not find any merit in this application and hence, disposes of this application without passing any orders.

SCN.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)