

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

**Case No. – OA 517 of 2021**

**Dr. Swati Mukherjee - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order  
02  
27.08.2021

For the Applicant : Mr. M.N. Roy,  
Mr. G. Halder,  
Mr. A. Mitra,  
Advocates.

For the State respondents : Mr. G.P. Banrjee,  
Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 and 456-WBAT/2J-15/2016 dated 16<sup>th</sup> July, 2021 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Affidavit of service filed be kept on record.

In this application, Swati Mukherjee – 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 her resignation letter, so made by her on 11.04.2019 before The Secretary, Health & Family Welfare Department and the Director of Health Services, Health & Family Welfare Department, Government of West Bengal, (Through Proper Channel), followed by reminder letters dated 27.06.2020 and 01.04.2021 alongwith 13 points declaration 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.”*

It appears that the applicant had joined the services of the West Bengal Health Service on 1<sup>st</sup> November, 2004 as a Medical Officer under the CMOH, Birbhum. During her tenure, she was promoted to the post of Senior Medical Officer, the post in which she is now continuing. It is submitted that though the applicant by letter dated 11<sup>th</sup> April, 2019 has tendered her resignation and has issued reminders on 27<sup>th</sup> June, 2020 and 1<sup>st</sup> April, 2021 along with 13 points declaration, it has not been considered.

It is submitted by Mr. M.N. Roy, learned advocate for the applicant, that since the letter of resignation along with 13 points declaration is pending consideration for more than two years, appropriate direction may be issued for accepting the same.

Mr. G.P. Banerjee, learned advocate, appearing on behalf of the State respondents submits, if directed, the respondents will consider the matter in accordance with law.

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 Secretary, Department of Health and Family Welfare, now redesignated as Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, respondent no. 1, to dispose of the letter of resignation dated 11<sup>th</sup> April, 2019 and the reminder letters dated 27<sup>th</sup> June, 2021 and 1<sup>st</sup> April, 2021 along with 13 points declaration, by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of

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this order downloaded from the website of the Tribunal, after giving opportunity of hearing to the applicant, after verifying the records and after considering the judgments to be relied on by the applicant.

(SOUMITRA PAL)  
CHAIRMAN

Rajib