

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 567 OF 2024

TINKU NANDI - VERSUS - THE STATE OF WEST BENGAL & ORS.

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|---------------------------------------|---------------------|---|---------------------------------------|
| Serial No. and Date of order | For the Applicant | : | Mr. Sankha Ghosh, Learned Advocate |
| <u>2</u> 19.03.2025 | For the Respondents | : | Mr. M.N. Ray, 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.

The prayer in this application is for a direction to the respondent authorities to allow the applicant to retire voluntarily with effect from 31.10.2024 and issuance of release order.

The applicant, Tinku Nandi, ASI (UB) in his application dated 12.07.2024 addressed to the Superintendent of Police, Raiganj Police District prayed for voluntary retirement from the service w.e.f. 31.10.2024. Mr. Roy, learned counsel representing the State points out that in terms of memo No. 6620-F dated 20.08.1981 voluntary retirement applications cannot be considered if any disciplinary proceeding is pending against an employee. In this case a disciplinary proceeding has been initiated against the applicant, being proceeding No. 04 of 2024 dated 07.08.2024.

Mr. Ghosh, learned counsel argues that such a disciplinary proceeding against the applicant was initiated since he had prayed for voluntary retirement on 12.07.2024.

Both sides wish to present relevant judgements of the Hon'ble Supreme Court.

Let the matter appear under the heading "Hearing" on 03.07.2025.

SCN.

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