

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. –OA 630 of 2021

DR. NISHANTADEB GHATAK - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
16.09.2021

For the Applicant

: Mr.M.N.Roy
Mr.S.Ghosh
Mr.G.Halder
Advocates

For the State respondent

: Mr.G.P.Banerjee
Advocate

In this application, Dr. Nishantadeb Ghatak, the applicant has prayed for several 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 09.04.2019 before The Director of Health Services, Department of Health & Family Welfare, Government of West Bengal, (Through Proper Channel), followed by letter dated 10.05.2019, 07.06.2019 and finally on 11.07.2019 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 completed the three months statutory notice period in the meantime.

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It appears the applicant joined the West Bengal Medical Health Services on 14th March, 2008 as Medical Officer under CMOH, Purba Medinipur and was posted at Patanda Primary Health Centre in Purba Medinipur. While in service on 9th April, 2019, the applicant tendered resignation, as evident from Annexure- "C" to the application and it was intimated that his last employment would be 11th July, 2019 which was in accordance with service rules regarding discontinuation of service. Thereafter, it appears that the applicant did not attend office. It appears that AIIMS Kalyani had advertised for recruitment to the post of Assistant Professor. The applicant participated in the selection process and was successful. The grievance of the applicant is though he has tendered resignation, however as till date it has not been accepted and no release order has been issued by the respondents he is unable to join AIIMS Kalyani. Prayer is for direction upon the respondents to accept his letter of resignation and to issue release order. Mr.Roy has relied on the judgement of the Tribunal delivered on 7th December, 2020 in OA-146 of 2020 (Dr.Rajeev Raman Vs. The State of West Bengal and Others) and the judgement of the High Court delivered on 18th December, 2020 in WPST 86 of 2020 (Dr.Debangshu Ghosh Vs. The State of West Bengal and Others), in support of his submission.

Mr.G.P.Banerjee, learned advocate for the State respondents submits that the applicant had participated in the selection process without intimating the respondent authorities and thus the letter of resignation cannot be considered.

In reply, Mr.Roy, submits since under Rule 34 (1) of WBSR Part-I,

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only three months notice is necessary for resignation, the stand of the applicant is just, proper and legal.

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, Government of West Bengal, the respondent no. 2 to dispose of the letter of resignation dated 9th April, 2019 by passing a reasoned order to be communicated to the parties within six weeks from the date of presentation of a copy of this order downloaded from the Website of the Tribunal after giving an opportunity of hearing and after verifying the records and after considering the judgement of the Tribunal delivered on 7th December, 2020 in OA-146 of 2020 (Dr.Rajeev Raman Vs. The State of West Bengal and Others) and the judgement of the High Court delivered on 18th December, 2020 in WPST 86 of 2020 (Dr.Debangshu Ghosh Vs. The State of West Bengal and Others)

BLR

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN