

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mr. Sayeed Ahmed Baba, Member(A)

Case No. – OA 684 of 2022

Dr. Indrajit Nath - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr. S. Ghosh,
Mr. M.N. Roy,
Mr. G. Halder,
Mr. A. Mitra,
Learned Advocates.

04
14.11.2022

For the State Respondent

: Ms. A.P. Banerjee,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

In this application, Dr. Indrajit Nath, Associate professor of Biochemistry at North Bengal Medical College & Hospital, Darjeeling has prayed for a direction to the respondents to accept his resignation letter so as to enable him to join as Associate Professor, Biochemistry at North Eastern Indira Gandhi Regional Institute of Health & Medical Sciences, Shillong on or before 16th December, 2022. It appears that the applicant received required NOC to appear in the interview for faculty post for North Eastern Indira Gandhi Regional Institute of Health & Medical Sciences, Shillong as evident from the copy appearing at page 23 and 24 issued by the Director of Medical Education, Department of Health and Family Welfare, Government of West Bengal. After being successful in the interview, the NEIGRIHMS, Shillong offered him an appointment for the post of Associate Professor, Department of Biochemistry which appears at page 25-28. It also appears that the applicant Dr. Nath has been asked to join the post on or before 16th December, 2022 failing which the offer of appointment will be cancelled. The applicant having received the appointment letter with a direction to join before 15th December, 2022 submitted a representation

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before respondent No. 1 & 2, requesting for accepting his resignation letter and releasing him from the present job before 15th December 2022.

Mr. S. Ghosh, prays for a direction to the respondent No. 1 to consider his representation and release the applicant to enable him to join the new position with NEIGRIHMS before 15th December.

Mr. Ghosh also cites an order of the Hon'ble High Court, Calcutta in WPST No. 86 of 2020 in which direction was given for release of the applicant of the case by stating that this applicant is similarly circumstanced and hence it is binding on the Respondents to comply.

Ms. A.P. Banerjee, appearing on behalf of Mr. G.P. Banerjee, learned advocate on record submits that if a direction is given to the respondents, action will be taken as per law.

After having heard both the learned advocates and considering the prayer in the application, the respondent no.1 is directed to dispose of the representation submitted by the applicant to him on 20.09.2022 and pass a reasoned order within two weeks from the date of communication of this Order to him. His reasoned Order should also be communicated to the applicant within one week thereof.

Accordingly, the matter is disposed of.

SAYEED AHMED BABA
MEMBER (A)

H.S