

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Officiating Chairperson & Member (A)

Case No. – OA-77 of 2023

Serial No. and Date of order	Dr. Shiv Sekhar Chatterjee	VERSUS – The State of West Bengal & Ors..
	For the Applicant :	Mr. M.N. Roy, Learned Advocate.
	For the State Respondents :	Mr. G.P. Banerjee, Learned Advocate.
<u>02</u> 03.03.2023	For the Respondent No. 5	Mrs. Diana Ghosh Dastidar, 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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on the record.
Vakalatnama filed by respondent No. 5 be kept on the record.

The prayer in this application is for a direction to the respondent department to accept the resignation letter and issue the release order to the applicant. As submitted by Mr. Roy and as evident from an order dated 09.09.2022, the applicant was allowed to appear in the interview for the post of Additional Professor (Micro Biology) in AIIMS, Kalyani. Appearing at page 20, the respondent department had also issued a certificate on 09.09.2022 to the effect that in the event of the applicant being considered for the post by AIIMS, Kalyani, he will be released from

the duty to take up the new post. Subsequently, the applicant was successful and was offered an appointment by AIIMS, Kalyani on 22.11.2022 with the condition that he should join the post within a month. Upon request by the applicant, AIIMS, Kalyani has been extending the time of joining for the applicant.

Submission of Mr. Roy is that the applicant has furnished a prayer before the respondent to accept his resignation and allow him to join the new post after being released from his present department. It also appears that on 03.01. 2023, one Joint Secretary and Vigilance Officer of the department has certified that there is no departmental proceedings against the applicant. Moreover, the applicant has submitted his asset declaration statements for the last three years. Submission of Mr. Roy is that the respondent department may be directed to accept his resignation letter and issue the release order at the earliest.

Mr. Banerjee appearing on behalf of the respondent department submits that the matter regarding acceptance of resignation letter is under process. However, if a direction is given to the respondent department, the same will be complied as per rules.

In view of the above submissions, let the respondent No. 3, Director of Medical Education be directed to consider the application of the applicant for acceptance of his resignation

submitted before him by passing a Speaking Order within a period of two weeks from the date of communication of this order and communicate the same to the applicant within one week thereafter.

Let the matter appear on **05.04.2023** under the heading Orders.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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