

ORDER SHEET

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 785 of 2023

Dr. Anirban Ganguly -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. M.N. Roy,
Mr. S. Ghosh,
Ld. Advocates.

01
13.12.2023

For the State Respondent : None.

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 counsel, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on record.

The applicant has prayed for setting aside the Memo. No. ME/CC-44-2023/M/3022 dated 24.11.2023 issued by the Director of Medical Education rejecting his prayer for resignation. This impugned order gives the reason for rejection for the applicant's total service length being less than five continuous years. Appearing on behalf of the applicant, Mr. Roy, learned counsel, however, disagrees with such reason stating the length of service was less than five years. According to him, the applicant was appointed on 06.06.2017 and on the date of consideration of his prayer – 24.11.2023, he has already completed six years, five months and eighteen days in service. Therefore, the reason cited is not only factually wrong but is not tenable in the eyes of law.

The matter is admitted. Let the matter appear under the heading **“Hearing”** on **03.04.2024**.

Reply and rejoinder, if any, in the meantime.

Any action taken by the respondents shall abide by the outcome of this application.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)