

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- 81 of 2024**

**Dr. Amrish Kumar Jha -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. S. Ghosh,  
Mr. G. Halder,  
Ld. Advocates.

03  
02.07.2024

For the State Respondents : Mrs. S. Agarwal,  
Ld. 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has prayed for a direction to the respondent authority to accept the letter of resignation tendered by him and issue the necessary relevant order. By submission of the learned counsels in this matter, it appears that the applicant had submitted his resignation letter before the respondent authorities on 28.07.2014 followed by representation dated 31.01.2024. Submission is that despite submission of the resignation letter and representation the authorities neither accepted it nor rejected it.

The report by Director of Medical Education primarily states that the applicant's application for resignation is not admissible for the reason that his length of service spans only 3 years 9 months and 7 days. Mrs. Agarwal submits that as per the rules, a minimum of five years service is required for tendering his resignation. The report also refers to the dearth of such specialist doctors in the Department. A total of 14 posts of Orthopaedics are lying vacant and acceptance of resignation of Dr. Jha would further make the Department critical. The report also mentions that Dr. Jha after submission of his resignation letter on 28.07.2014 has not been attending his duties. Submission of Mr. Ghosh is that the respondent authorities have not bothered to consider his application and take any decision.

In the backdrop of the fact that the applicant had submitted his resignation letter on 18.07.2014 which is still lying unattended, the plea of the respondent's side that there is dearth of such a specialist do not hold any water. Further, the respondents have also not taken it seriously in taking a decision when the applicant abstained himself from duties since 2014. An employee

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who having submitted his resignation letter and not performing his duties, and on the other hand, the respondent's side not keen to take any decision, it becomes clear that the respondent's side, despite their argument for dearth of Doctors have not shown any interest in the services of this medical professional. Had the respondents been facing serious acute of Doctors and services of this applicant was needed, they would have taken a final call and communicated the same to the applicant.

In view of the above observations and the fact that such a prayer for resignation from service has not been considered, it is the direction of this Tribunal to the Respondent No. 2, the Principal Secretary, Department of Health & Family Welfare to take a final decision on the application for resignation submitted by the applicant on 18.07.2014 and pass a reasoned and speaking order within three (03) months from the date of communication of this order. Let a copy of the reasoned order so passed by him also be communicated to the applicant within two (02) months thereof.

Accordingly, this application is **disposed of**.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS