

**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 873 OF 2021**

**DR. INDRANIL CHAKRABARTI - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and For the Applicant

: Mr. Sankha Ghosh,

Date of order

Mr. Arindam Mitra,

02

Advocates

18.01.2022

For the Respondents

: Mr. Gautam Pathak Banerjee,  
Advocate

Affidavit of service filed be kept on record.

In this application, Dr. Indranil Chakrabarti, the applicant, an Associate Professor of Pathology, North Bengal Medical College, Darjeeling, has prayed for certain reliefs, the relevant portion of which is as under:

“(a) An order do issue directing the concerned respondent authorities to forthwith issue relieve order in favour of the applicant after accepting his resignation letter, so made by him on 06.12.2021 before The Secretary, Department of Health & Family Welfare, Government of West Bengal as well as before The Director of Medical Education & Ex-Officio Secretary, Department of Health & Family Welfare, Government of West Bengal, (Through Proper Channel), along with 13 points declaration within a stipulated time period, enabling him to join in the post of “Additional Professor” at AIIMS, Kalyani, West Bengal in the department of “Pathology” on or before 05.01.2022.

(b) An order to issue directing the concerned respondent authorities to forthwith issue

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“Relieve Order” in favour of your applicant  
alongwith all dues without causing any further  
delay, so as to enable your applicant to join in  
the post of “Additional Professor” at AIIMS,  
Kalyani, West Bengal in the department of  
“Pathology” on or before 05.01.2022.”

It appears that the applicant had applied for the post of “Additional Professor, Department of “Pathology” in AIIMS, Kalyani, West Bengal. It has been stated since he has been selected and has been directed to join AIIMS within one month, that is, by 5<sup>th</sup> of January, 2021 which has subsequently been extended till 5<sup>th</sup> February, 2022 and as the Director of Medical Education has given no objection certificate stating “.....In the event of his/her selection to the post, he/she will be relieved from the duty to take up the post of Additional Professor, Department of Pathology in AIIMS, Kalyani”, appropriate order may be passed.

It has been stated that though the applicant by letter dated 6<sup>th</sup> December, 2021 addressed to the Secretary, Department of Health & Family Welfare, Government of West Bengal and to the Director of Medical Education & Ex-Officio Secretary, Department of Health & Family Welfare, Government of West Bengal, the respondent nos. 1 and 2 has submitted his resignation along with 13-point query, prayer is appropriate order may be passed.

Mr. Sankha Ghosh, learned advocate for the applicant submits that in view of the letter dated 14<sup>th</sup> February, 2022 extending the joining period till 5<sup>th</sup> February, 2022, resignation letter may be directed to be accepted.

Mr. Gautam Pathak Banerjee, learned advocate for the State respondents submits, if directed, the authorities will consider the matter in accordance with law.

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Having heard the learned advocates for the parties and considering the facts and circumstances of the case, since the authorities of AIIMS, Kalyani has extended the period for joining of the applicant for the post of Additional Professor, Department of Pathology till 5<sup>th</sup> February, 2022, considering such fact, the application is disposed of by directing the Secretary, Department of Health & Family Welfare, Government of West Bengal, the respondent no.1 to take a decision by passing a reasoned order to be communicated to the applicant within 31<sup>st</sup> January, 2021 on the letter of resignation dated 6<sup>th</sup> December, 2021 along with the 13-point query after taking into consideration the no objection certificate issued by the Director of Medical Education, Government of West Bengal, appearing at page 19 of the Original Application, and the judgement of the High Court passed on 18<sup>th</sup> December 2020 in WPST 86 of 2020 : “Dr. Debangshu Ghosh vs. The State of West Bengal & Ors.” after giving an opportunity of hearing and after verifying the records. The learned advocate for the applicant is directed to intimate this order downloaded from the internet / website of the Tribunal forthwith.

SCN.

Let a copy of the letter dated 14<sup>th</sup> January, 2022 filed on behalf of the applicant be kept on record.

(SAYEED AHMED BABA)  
MEMBER (A)

(SOUMITRA PAL)  
CHAIRMAN