

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

**Case No. – OA-492 of 2021.**

**Dr. Sajal Biswas. - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. M. N. Roy, Mr. G. Haldar, Advocates.
<u>2</u> 13.8.2021	For the State Respondent	: Mr. G. P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 and 456-WBAT/2J-15/2016 dated 16<sup>th</sup> July, 2021 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Let affidavit of service filed in the registry of the Tribunal be kept on record.

In the application, Dr. Sajal Biswas, – Block Medical Officer of Health under the West Bengal Health Services, 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 allow your applicant to resume his duties to the post of “Block Medical Officer of Health” Alipurduar-II Block with immediate effect and further to disburse the salary accordingly.*

*(b) An order do issue directing the concerned respondent authorities to allow your applicant to resume his duties with immediate effect and thereafter regularize the absence period since 22.01.2021 by exhausting the leaves credited in the account of your applicant within a*

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*stipulated time period.”*

It appears that the applicant was transferred from Machlandapur, North 24 Parganas to Alipurduar, Alipurduar district on 28<sup>th</sup> July, 2020. The applicant had tendered his resignation on 27<sup>th</sup> January, 2021 before the Director of Health Services, Government of West Bengal – the respondent no. 3. Thereafter, by memo dated 25<sup>th</sup> March, 2021, the applicant was directed to show cause about his unauthorised absence from 22<sup>nd</sup> January, 2021 and was directed to join. The applicant by letter dated 2<sup>nd</sup> June, 2021, replied to the show cause notice and prayed for withdrawal of resignation and for permission to resume his services. It is submitted by Mr. M. N. Roy, learned advocate for the applicant that since the letter of resignation was not forwarded by the authorities to the authorities and as the applicant has withdrawn the letter of resignation before it was accepted and as he seeks to resume his duties, appropriate order may be passed.

Mr. G. P. Banerjee, learned advocate appearing on behalf of the State respondents submits that, if directed, the authorities will consider the matter in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no.1 to consider the application of the applicant for withdrawal of resignation and for resumption of duty sympathetically by passing a reasoned order, to be communicated to the parties within eight weeks from the date of

**ORDER SHEET**

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communication of this order downloaded from the website of the Tribunal, after giving an opportunity of hearing and after verifying the records. However, it is made clear in the event the applicant is allowed to rejoin his duties, he shall have to join at Alipurduar that is at the transferred place of posting.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)  
CHAIRMAN

S.M.