

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 79 of 2021 (MA-35 OF 2021)

DR. SURAJIT SARIT BARMAN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr.R.S.Chattopadhyay Mr.S.Chattopadhyay Ms.P.Shome Advocates
<u>01</u> 03.03.2021	For the State respondents	: Mr.G.P.Banerjee Advocate

The matter has appeared in the supplementary cause list published today.

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Mr.R.S.Chattopadhyay, learned advocate for the applicant submits that though the matter has appeared under the heading “New Application”, in view of urgency the matter may be taken up for hearing and appropriate order may be passed to which Mr.G.P.Banerjee, learned advocate for the respondents in his usual fairness does not object.

In the application, Dr.Surajit Sarit Barman, the applicant, has prayed for a direction upon the respondents to accept his letter of resignation dated 5th April, 2018, being annexure – P 2 to the application, as he is desirous to contest from a seat earmarked in the first phase of election wherein the last date of filing of nomination is 9th March, 2021. Submission is since under the Peoples’ Representation Act, 1951, the applicant has a right to contest the election, appropriate order may be passed.

Vs.

Case No. **OA 79 of 2021 (MA-35 OF 2021)**

THE STATE OF WEST BENGAL & ORS.

Mr.G.P.Banerjee, learned advocate for the State respondents submits that the action of the State respondents is just and proper. However if directed the respondent authorities shall take steps in accordance with law.

Having heard learned advocates for the parties and considering the fact that the applicant had tendered resignation from service on 5th April, 2018 and he is desirous to contest the election from a seat earmarked in the first phase of the Assembly Elections wherein last date for filing nomination is 9th March, 2021, considering such fact, the application is disposed of by directing the Principal Secretary, Health and Family Welfare, Government of West Bengal, Kolkata, the respondent no. 1 to accept the resignation of the applicant and to issue release order by 5th March, 2021.

Since in view of the order passed in OA-79 of 2021, nothing remains to be decided in MA-35 of 2021, the same is also disposed of.

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

BLR