

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****Hon'ble Justice Soumitra Pal, Hon'ble Chairman.****CASE NO. OA 963 of 2019.****DR. KHURRUM HAYAT – Vs- THE STATE OF WEST BENGAL AND OTHERS.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">4</p> <hr/> <p>28.1.2020.</p>	<p>For the Applicant : Mr. M. Mandal, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>The matter is taken up pursuant to the notification nos. 87-WBAT/1E-08/2003 (Pt. II) and 88-WBAT/1E-08/2003 (Pt. II), both dated 21st January, 2020.</p> <p>Since it is submitted by Mr. M. Mandal, learned advocate on record for the applicant that the respondents have been served with the copies of the application, he is directed to affirm and file affidavit of service in course of this day.</p> <p>Since despite service of notice, none appears on behalf of the State respondents. Mr. G.P. Banerjee, learned advocate, who normally appears on behalf of the State is requested to appear in this matter. Let a copy of the application be served on him, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise his appointment.</p> <p>It is submitted by Mr. Mandal that since the matter relates to consideration of the letter of resignation of the applicant dated 11th March, 2019 from the post of Assistant Professor, Paediatric Medicine</p>	

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	<p>dated 11th March, 2019, the matter may be taken up for hearing and be disposed of.</p> <p>Mr. G.P. Banerjee submits that he does not object if the matter is taken up for hearing.</p> <p>In this application, the applicant, who had joined as R.M.O. cum Clinical Tutor, Paediatric Medicine, RG Kar Medical College, Kolkata on 24th January, 2011 and lastly posted at North Bengal Medical College, Darjeeling, has prayed for several reliefs, the relevant portion of which is as under :-</p> <p><i>“....a) To direct upon the concerned respondent authorities to accept the resignation and to issue the release order in favour of the applicant as the applicant was submitted the resignation letter dated 11.3.2019 with effect from 12.03.2019 from his service for the post of Assistant Professor Pediatric Medicine under respondent along with submitted the 13th column queries with representation dated 5.8.2019 made by the applicant.</i></p> <p><i>b) To direct upon the concerned respondents to allow the application and to accept resignation which was submitted by the applicant on</i></p>	

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	<p><i>11.3.2019 and effect from 12.3.2019 and after issue the release order to the applicant and to direct upon the respondent to pay the GPS & Gratuity amount, earn leave and all other dues amount which will be entitled and pay the same in favour of the applicant otherwise your applicant will suffer....”.</i></p> <p>It is submitted by Mr. Mandal that since the applicant by letter dated 11th March, 2019 has submitted resignation before the Director of Medical Education and Department of Health and Family Welfare, Kolakta, the respondent no.2, which is yet to be disposed of, appropriate order may be passed directing the respondents to accept the same and to issue release order accordingly.</p> <p>Mr. Banerjee submits if directed, the respondent authorities will consider the letter of resignation dated 11th May, 2019 in accordance with law.</p> <p>Having heard Mr. Mandal and Mr. Banerjee and considering the facts and circumstances of this case, the application is disposed of by directing the Additional Chief Secretary, now re-designated as Principal Secretary, Department of Health and Family Welfare Department,</p>	

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Skg.	<p>Swasthya Bhavan, Kolkata, – the respondent no. 1, to dispose of the letter of resignation dated 11th March, 2019, being annexure 'F' to the application, by passing a reasoned order to be communicated to the parties within twelve weeks from the date of presentation of a copy of this order after giving an opportunity of hearing and after verifying the records.</p> <p style="text-align: right;">(Soumitra Pal) Chairman.</p>	