

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member(J)

The Hon'ble Mr. P. Ramesh Kumar, Member(A)

Case No – OA- 971 OF 2018.Dr. Ankur Ghosh. Vs The State of West Bengal & 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
01 <hr/> 18/12/2018	<p>For the Applicant : Mr. M.N. Roy, Mr. G. Halder, Advocates.</p> <p>For the State Respondents: N o n e</p> <p><i>Affidavit of service filed be kept on record. The instant application has been filed challenging the disciplinary proceeding initiated against the applicant vide memo dated 05.11.2017 as well as second show cause notice proceeding for punishment for dismissal dated 30.10.2018. As per the applicant, he had joined the Medical Service on 24.03.2014. However, due to personal difficulties he tendered resignation on 22.06.15 w.e.f. 01.07.15. It is further submitted that since he was in provisional status, probably his one month salary was not paid on that account in lieu of one months' notice. However, subsequently on 20.10.16, one show-cause notice was issued with a charge of unauthorised absence on service on and from 01.07.2015, which was received by him on 14.03.2017 only. He filed his defence reply with regard to the said show-cause notice and ultimately the respondents issued second show-cause notice dated 30.10.18 proposing his dismissal from service</i></p>	

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Dr. Ankur Ghoshl .

Form No.

Vs.**The State of West Bengal & Others.**Case No. **OA- 971 OF 2018** .

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	<p><i>instead of accepting his resignation or issue release order on the basis of resignation dated 22.06.2015.</i></p> <p><i>Being aggrieved with he has filed the instant application. The applicant has also filed affidavit of service but none appears for the respondents. During the course of hearing the counsel for the applicant has prayed for interim protection. According to the applicant, his case is fully covered by the judgement dated 18.02.2016 passed in WPST No.22 of 2016 Dr. Debarati Chattopadhyay – Vs- The State of West Bengal & Ors. which was affirmed by the Hon’ble Apex Court vide their Judgement dated 23.02.2016 passed in S.L.P.(C) Nos.5327-5328 of 2016. Therefore, the counsel for the applicant has prayed for interim protection by way of staying the process of second show-cause notice dated 30.10.2018 since he has good case on merit otherwise; he would suffer irreparable loss and injury.</i></p> <p><i>Heard the applicant and perused the records. As the applicant has prima facie case on merit the respondents are directed to maintain status quo with regard to the second show-cause notice dated 30.10.2018 till the next date. The applicant is directed to communicate the said order to the respondents.</i></p>	

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GM	<p><i>Let the matter be listed on 04.01.2019.</i></p> <p><i>Plain copy.</i></p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	