

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.  
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No. OA 2 of 2019.

DR. DEBASISH PANJA – VS- THE STATE OF WEST BENGAL & ORS.

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>2 11.1.2019.</p>	<p>For the Applicant : Mr. G.P. Banerjee, Advocate.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application the applicant, who had joined as Medical Officer in the West Bengal Health Services under the department of Health and Family Welfare, Government of West Bengal on 1<sup>st</sup> January, 1992 has challenged the order dated 7<sup>th</sup> September, 2016 whereby his application for voluntary retirement was rejected by an order contained in the memo dated 7<sup>th</sup> September, 2016 being annexure "B" to the application.</p> <p>It is submitted by Mr. G.P. Banerjee, learned advocate on behalf of the applicant that the impugned order passed is not at all a speaking order and hence cannot be sustained. Moreover, the same issue is covered by the judgement dated 15<sup>th</sup> June, 2016 in OA 346 of 2015 -Dr. Ashok Kumar Maiti &amp; Ors –Vs- The State of West Bengal and others.</p> <p>Mr. S. Ghosh, learned advocate appearing on</p>	

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	<p>behalf of the State respondent submits that the impugned order is just and proper and if directed the respondent shall reconsider the matter.</p> <p>We find that the impugned order in the memo dated 7<sup>th</sup> September, 2016 does not give any reason for rejecting the application for voluntary retirement. Rather it merely refers to Sub rule (75aaaa) of WBSR Part-I which according to the applicant is not applicable to him. Moreover, the order is cryptic . Hence the impugned order is set aside and quashed. The application is allowed.</p> <p>Considering the facts and circumstances of this case as we find that the issue is covered by the judgement passed on 15<sup>th</sup> June, 2016 which was pursuant to the judgement in OA 346 of 2015 (Dr. Ashok Kumar Maiti &amp; Ors –Vs- State of W.B. &amp; Ors) , the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent No. 1 is directed to take a decision afresh by passing a reasoned order to be communicated to the parties within ten weeks from the date of presentation of a copy of this order after giving an opportunity of hearing and after</p>	

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Skg.	<p>taking into consideration the judgement delivered on 3<sup>rd</sup> January, 2017 in OA 346 of 2015 as well as the judgement passed in WPST 26 of 2015 (State of West Bengal &amp; Ors – Vs- Dr. Sraban Kumar Ghosh) as well as the order passed by the Supreme Court. No order as to cost.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	