

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 1038 of 2018.

DR. ARDHENDU SEKHAR HAZRA – 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>3 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>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 15th June, 1983 has challenged the order dated 9th April, 2018 whereby his application for voluntary retirement was rejected by an order contained in the memo dated 9th April, 2018, 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 issue is covered by the judgement dated 16th November, 2018 passed in OA 833 of 2018-Dr. Satyajit Chakraborty –Vs- The State of West Bengal.</p> <p>Mr. S. Ghosh, learned advocate appearing on behalf of the State respondent submits that the impugned order is just and proper and if directed the</p>	

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	<p>State respondents shall reconsider the matter.</p> <p>We find that the impugned order contained in the memo dated 9th April, 2018 does not spell out any reason for rejecting the application for voluntary retirement as it merely refers to Sub rule (aaaa) of Rule 75 which according to the applicant is not applicable to him. Moreover, the order is cryptic.</p> <p>In our view the impugned order contained in the memo dated 9th April, 2018 cannot be sustained as it does not contain any reason and is cryptic and is thus set aside and quashed. Hence the application is allowed. Moreover the issue is covered by the judgement of OA 833 of 2018 passed on 16th November, 2018 which was passed pursuant to the judgement passed in OA 346 of 2015 (Dr. Ashok Kumar Maiti & Ors –Vs- State of W.B. & Ors). Thus considering the facts and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent No. 1 to take a decision afresh by passing a reasoned order to be communicated to the parties within ten weeks from the date of communication of this order</p>	

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Skg.	<p>after giving an opportunity of hearing and after taking into consideration the judgement delivered on 3rd January, 2017 in OA 346 of 2015 as well as the judgement passed in WPST 26 of 2015 (State of West Bengal & 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>	