

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

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Dr.Subesh Kumar Das (Administrative Member)

Case No. OA- 1104 OF 2017

DR. SREYA TODI Vs. 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
<p style="text-align: center;">16 24 .09.2019</p>	<p>For the Applicant : Mr. S.Ghosh, Mr. A. Mitra, Advocates</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate</p> <p>For the Advocate General : Mr. A.L.Basu, West Bengal Mr. S. Bhattacharya, Advocates</p> <p>In this application, Dr. Sreya Todi, the applicant, who had joined West Bengal Medical Education Service on 18th March, 2014 as R.M.O.-CUM- Clinical Tutor, Department of Pharmacology and posted at IPGME&R, Kolkata and thereafter promoted as “Assistant Professor” and posted at IPGME&R & SSKM, Kolkata as Assistant Professor of Pharmacology Department, West Bengal, has prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">(a) <i>An order do issue directing the concerned respondent authorities to forthwith issue release order in favour of the applicant consequent to her resignation letter, so made by her on 30.01.2017 and subsequently</i></p>	

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	<p><i>reminder letter dated 02.08.2017 before the Director of Medical Education & Ex-Officio Secretary, Department of Health & Family Welfare, Government of West Bengal, through proper channel, within a stipulated time period.</i></p> <p>(b) <i>An order do issue directing the concerned respondent authorities to forthwith issue "Release Order" by accepting her resignation letter dated 30.01.2017 and subsequently reminder letter dated 02.08.2017 without causing any further delay.</i></p> <p>(c) <i>An order do issue thereby quashing and/or setting aside the Finance (Audit) Notification No. 4499-F(P) dated 26.08.2016 declaring the same to be ultra-vires to the constitution of India.</i></p> <p>At the very outset, Mr. S. Ghosh, learned advocate for the applicant submits that he is not pressing the prayer (c) of the application. Submission is since the</p>	

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	<p>applicant has tendered resignation 30th January, 2017, as evident from Annexure-C to the Original Application, and as in a similar situation an order has been issued on 22nd May, 2019 by the Special Secretary to the Government of West Bengal acceding to the prayer of Dr. Santanu Sarkar, an Assistant Professor, appropriate order may be passed.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on the behalf of the State respondents submits that if directed the Director of Medical Education & Ex-Officio Secretary, Department of Health & Family Welfare, Government of West Bengal, the respondent No. 3 will consider the letter of resignation in accordance with law.</p> <p>Mr. A. L. Basu, learned advocate for the Advocate General, West Bengal submits that since the applicant does not press prayer (c) of the application, he is not opposing the prayer for consideration of the letter of resignation.</p> <p>Having heard Mr. Ghosh, Mr. Banerjee and Mr. Basu, learned advocates for the parties and considering the facts and circumstances of the case, the original application is disposed of by directing the Director of</p>	

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SCN.	<p>Medical Education & Ex-Officio Secretary, Department of Health & Family Welfare, Government of West Bengal, Kolkata, the respondent No. 3 to dispose of the letter of resignation dated 30th January, 2017, being Annexure-C to the application and also the reminder dated 2nd August, 2017, by passing a reasoned order to be communicated to the parties within 12 weeks from the date of presentation of a copy of this order, after giving an opportunity of hearing and after verifying the records and after considering the judgements and orders which may be relied on by the applicant.</p> <p style="text-align: center;"> (S.K.DAS) MEMBER (A) </p> <p style="text-align: center;"> (SOUMITRA PAL) CHAIRMAN </p>	