

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE SOUMITRA PAL
& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 221 OF 2020

Dr. Kaushik Sadhukhan 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 style="text-align: center;">1</p> <hr/> <p>08.07.2020</p>	<p><i>For the Applicant : Mr. S. Ghosh , Mr. G. Halder, Mr. A. Mitra, Advocates.</i></p> <p><i>For the State Respondents : Mr. G.P. Banerjee, Mrs. S. Agarwal, Advocates.</i></p> <p style="text-align: center;"><i>Let affidavit of service filed on behalf of the applicant be kept on record.</i></p> <p style="text-align: center;"><i>In this application, Dr. Kaushik Sadhukhan, the applicant, has prayed for certain reliefs, the relevant portion is as under :</i></p> <p style="text-align: center;"><i>“(a) An order do issue directing the concerned respondent authorities to forthwith issue relieve order in favour of the applicant after accepting his resignation letter, so made by him on 17.03.2020 before the Director of Medical Education & Ex-Officio Secretary, Department of Health & Family Welfare, Government of West Bengal, (Through Proper Channel), alongwith 13 points declaration within a stipulated period, enabling him to join in the post of “Associate Professor” at AIIMS, in the department of ”Ophthalmology”.</i></p>	

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(b) An order do issue directing the concerned respondent authorities to forthwith issue “”Relieve Order” in favour of your applicant alongwith all dues without causing any further delay, so as to enable your applicant to choose his profession accordingly.....”

It appears that the applicant pursuant to an order dated 31.10.2011 joined the services of the West Bengal Medical Education Services as RMO-cum-Clinical Tutor (Ophthalmology), in the Department of Ophthalmology, at Malda Medical College, Malda and was confirmed on 04.11.2014. Subsequently, the applicant was promoted to the rank of Associate Professor on 03.02.2016 in the cadre of WBMES in the discipline of Ophthalmology.

It has been stated that pursuant to an advertisement published by the AIIMS, Patna, the applicant applied for the post of Associate Professor in the discipline of Ophthalmology and accordingly sought for no objection from the State respondents which was granted as evident from Annexure C to the application. Thereafter on 22.12.2019 interview was held. Result was published on 13.03.2020 by the AIIMS, Patna. The applicant was successful as he was selected for the post of Associate

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Professor. Accordingly appointment letter dated 16.03.2020 was issued to the applicant. Consequently the applicant tendered his letter of resignation dated 17.03.2020 along with 13 points queries before the Director of Medical Education and Ex-Officio Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no. 2.

Mr. S. Ghosh, learned advocate for the applicant submits that AIIMS, Patna, pursuant to the request of the applicant, has extended the time to join till 31.08.2020. A copy of the letter dated 29.06.2020 extending the time to join be kept with the record. Submission is since the applicant has succeeded and has been offered the post of Associate Professor in AIIMS, Patna, the respondent no. 2, may be directed to accept his letter of resignation and to issue the Relieve Order to enable him to join at AIIMS, Patna.

Mr. G.P. Banerjee, learned advocate for the State respondents no. 1, 2 and 3 submits that, if directed, the respondent no. 2 may consider the letter dated 17.03.2020 of resignation tendered by the applicant in accordance with law.

Having heard Mr. Ghosh and Mr. Banerjee, learned

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advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Director of Medical Education and Ex-Officio Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no. 2, to dispose of the letter of resignation dated 17.03.2020, being annexure E to the application, by passing a reasoned order to be communicated to the parties within a period of four weeks from the date of communication of this order after giving an opportunity of hearing and after verifying the records and, as prayed for on behalf of the applicant, after considering judgments, if submitted.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(S.K.DAS)

(S. Pal

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Member (A)

Chairman

Rajib

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