

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-263 OF 2019

DR MD REZAUL KARIM 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;"><u>01</u> 02.04.19</p>	<p>For the Applicant : Mr.A.Maity Advocate</p> <p>For the Respondents : None</p> <p>Affidavit of service filed today be kept on record. In this application, the applicant, a Professor in Radiology at College of Medicine and Sagar Datta Hospital, has challenged the intimation dated 25th March, 2019, appearing at page 35 of the application, turning down his prayer for resignation. It needs to be mentioned that the applicant on 16th November, 2017 prayed for voluntary retirement. Thereafter, it appears, by memo. dated 7th June, 2018 disciplinary proceedings were initiated against the applicant. Articles of charges framed are appended to the application. Thereafter, the applicant by letter dated 6th March, 2019, referring to the letter dated 16th November, 2017, submitted that his application for voluntary retirement filed on 16th November, 2017 is yet to be considered. Subsequently, the applicant by letter dated 11th March, 2019 addressed to the Director of Medical Education Service, Health and Family</p>	

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	<p>Welfare Department, Government of West Bengal, the respondent no.2 tendered his resignation which was turned down by the Special Secretary, Department of Health and Family Welfare, Government of West Bengal by intimation dated 25th March, 2019, which is under challenge. Mr.A.Maity, learned advocate for the applicant submits that the respondents may be directed to accept the letter of resignation so that he can contest the ensuing Parliamentary elections.</p> <p>Mr.G.P.Banerjee, learned advocate for the State respondents submits the question is not of mere acceptance of resignation as the issue does not relate to voluntary retirement. Moreover, as evident from the grounds there has virtually been no challenge to the impugned order dated 25th March, 2019. Since disciplinary proceedings are pending before the authority, at this stage, the prayer of resignation may not be directed to be accepted.</p> <p>Heard learned advocates for the parties. As prayed for, reply be filed by 3rd May, 2019. Rejoinder, if any, by 17th May, 2019.</p>	

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BLR	<p>So far as the prayer for interim order is concerned, since we find that the disciplinary proceedings are pending against the applicant and as the applicant has been unable to show any statute or rule that during the pendency of the disciplinary proceedings resignation can be accepted and as we find at this stage during the pendency of the disciplinary proceedings resignation cannot be directed to be accepted, no interim order is passed. Let the matter appear under the heading "Reply, rejoinder and Objection" on 21st May, 2019.</p> <p style="text-align: center;"> (S.K.DAS) MEMBER (A) </p> <p style="text-align: center;"> (SOUMITRA PAL) CHAIRMAN </p>	