

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

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

Case No –OA 268 OF 2018

MADHAB SARKAR 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</p> <hr/> <p>30.07.2018</p>	<p>For the Applicant : Mr. Asim Hati Learned Advocate</p> <p>For the State Respondent: None</p> <p>Affidavit of service filed be kept on record. On the prayer of Mr. A. Hati, learned Advocate for the applicant, leave granted to file supplementary affidavit of service enclosing track report showing service of notice upon the respondent in course of this day.</p> <p>In this application, the applicant, who had joined in WBHS as Medical Officer on 22nd June, 1988, has prayed for a direction upon the respondents, particularly on the Principal Secretary, Health and Family Welfare Department, Kolkata, respondent No. 1 to consider his prayer for voluntary retirement from government service with effect from 31st March, 2018. It is submitted on behalf of the applicant that since he is going to complete 60 years age very soon and since he has rendered qualifying service of more than thirty years and has fulfilled the conditions laid down in Rule 75 [aaa] W.B.S.R. Part-I for voluntary retirement, his prayer may</p>	

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	<p>be directed to be considered by the State respondents. Submission is though representation dated 27th January, 2018 was filed before the Director of Health Services, West Bengal, Health and Family Welfare Department, Kolkata, the respondent No. 2 and a representation dated 21st March, 2018 was filed before the Medical Superintendent, S.G. Hospital, Hooghly, respondent No. 4, those have not been considered. Rather after the representations were filed, the Chief Medical Officer of Health, Hooghly, the respondent No. 3 by memo dated 27th March, 2018, had instructed him to continue in service till the acceptance of the prayer for voluntary retirement. Thereafter the applicant by a letter dated 23rd March, 2018 addressed to the Chief Medical Officer of Health, Hooghly, respondent No. 3 intimated that he will not be performing any duty after 31st March, 2018. On our query, it is submitted by Mr. Hati, learned Advocate for the applicant that at present the applicant is not working. Now, being aggrieved by the action of the respondents in not considering the representation for voluntary retirement, this application has been filed.</p> <p style="text-align: center;">It is submitted by Mr. Hati that the issue stands covered by the judgements of the Tribunal, of the Hon'ble High Court and of the Hon'ble Supreme Court.</p> <p style="text-align: center;">Despite service of notice, none appears on behalf</p>	

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SCN.	<p>of the State respondents.</p> <p>Having heard Mr. Hati, and considering the facts and circumstances of the case, this application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances, enclosing copies of relevant documents including annexures to this application before the Principal Secretary, Health and Family Welfare Department, Kolkata, respondent No. 1 within a period of four weeks from the date of obtaining a copy of this order. If such representation is filed before the said respondent No. 1, the said respondent No. 1 shall dispose of the same by passing a reasoned order to be communicated to the applicant within a period of eight weeks after giving an opportunity of hearing and after verifying the records and after considering the judgements on this issue of the Tribunal, the Hon'ble High Court and the Hon'ble Supreme Court to be relied on during hearing by the applicant.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	