

**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-328 OF 2019****DR. ASHOK KANDARY 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> 22.04.19</p>	<p>For the Applicant : Mr.K.Basu Mr.S.Ahammed Mr.N.Majhi Mr.D.Saha Ms.D.Banu Advocates</p> <p>For the Respondents : Mr.G.P.Banerjee Advocate</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application, the applicant, a Block Medical Officer of Health at Hariharpara BPHC under the Government of West Bengal, has prayed for certain reliefs, the relevant portion of which is as under:</p> <p>a) <i>"A mandatory order may be passed directing the respondents to issue a formal letter of acceptance of your applicant's resignation letter dated 28.03.2019 well before 29.04.2019, by declaring that the applicant is no longer in service".</i></p> <p>Interim order, as prayed for, is as under :</p> <p><i>"Pending disposal of this application the applicant</i></p>	

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	<p><i>seeks for an interim order directing the respondents to consider his letter of resignation dated 28.03.2019, well before 29<sup>th</sup> April, 2019”.</i></p> <p>Mr.K.Basu, learned advocate appearing on behalf of the applicant relying on the order dated 5<sup>th</sup> April, 2019 passed in WPST 49 of 2019 (Dr.Md.Rezaul Karim Vs. The State of West Bengal &amp; Ors.), submits that since in the said matter leave has been given to the petitioner to file nomination papers to contest the parliamentary elections and if the petitioner wishes to contest it would abide by the result of the petition filed before the High Court, similar order be passed on the instant application. Submission is that in view of the said order, the respondents may be directed to accept his letter of resignation.</p> <p>Mr.G.P.Banerjee, learned advocate appearing on behalf of the respondents submits that as the High Court in the order dated 5<sup>th</sup> April, 2019 did not direct the respondent authorities to accept the letter of resignation, no order may be passed directing the authorities to accept the letter of resignation.</p>	

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	<p>Heard the learned advocates for the parties. The High Court in Dr.Md.Razaul Karim (supra) had passed an order, the relevant portion of which is as under:</p> <p><i>“Leave is given to the petitioner to file his nomination, if the petitioner so desires, for such parliamentary seat that the petitioner wishes to contest. However, the filing of such nomination and any consequence thereof will abide by the result of this petition.</i></p> <p><i>In view of the importance of the legal question raised, notwithstanding the writ petition being directed against an ad interim order, the entire issue involved may be decided in course of the present proceedings.</i></p> <p><i>The matter will appear before the regular Bench on April 8, 2019 with liberty to the parties to request the Bench to take up the matter at the earliest convenience”.</i></p> <p>In view of the order passed by the High Court in a similar matter, let there be an interim order granting leave to the applicant in the instant application to file his nomination if the applicant desires to contest the</p>	

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BLR	<p>parliamentary elections. However, filing of such nomination and any consequence thereof will abide by the result of this application. Let reply be filed by 14<sup>th</sup> June, 2019. Rejoinder, if any, by 21<sup>st</sup> June, 2019. Matter to appear under the heading "Reply, rejoinder and Objection" on 25<sup>th</sup> June, 2019.</p> <p>Let a plain copy of this order may be given to the parties on usual undertaking.</p> <p style="text-align: center;"> <b>(S.K.DAS)</b>  <b>MEMBER (A)</b> </p> <p style="text-align: center;"> <b>(SOUMITRA PAL)</b>  <b>CHAIRMAN</b> </p>	