

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman &
Hon'ble Dr. Subesh Kumar Das, Administrative Member.

CASE NO. OA 399 of 2020.

DR. BROJEN CHOUDHURY –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>14.12.2020.</p>	<p>For the Applicant : Mr. S.Ghosh, Advocate.</p> <p>For the State Respondents : Mrs. S. Agarwal, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application, Dr. Brojen Choudhury, the applicant has prayed for several reliefs, the relevant portion of which is as under :-</p> <p><i>“a) An order do issue directing the concerned respondent authorities to forthwith issue release order in favour of the applicant after accepting his resignation letter, so made by him on 24th April, 2020 along with 13 point declaration dated 24/04/2020 before the Secretary, Health & Family Welfare Department, Government of West Bengal, as well as 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>	

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	<p style="text-align: center;"><i>b) An order do issue directing the concerned respondent authorities to forthwith issue "Release Order" in favour of your applicant without causing any further delay.....".</i></p> <p>It appears that the applicant joined West Bengal Medical Education Services on 26th July, 2008 as RMO-cum-Clinical Tutor Anaesthesiology at Burdwan Medical College, Purba Bardhaman. Subsequently, on 3rd February, 2011 he was promoted to the post of Assistant Professor at the same medical college and have been working since July, 2008. It appears that he has tendered resignation from the post of Assistant Professor under the department of Anaesthesiology at Burdwan Medical College, Purba Bardhaman with effect from 1st May, 2020. Relying on the judgement passed on 18th February, 2016 in W.P.S.T. No. 22 of 2016 in Dr. Debarati Chattopadhyay-vs- the State of West Bengal & Ors, upheld by the Supreme Court by order dated 23rd February, 2016 it is also submitted by Mr. S.Ghosh, learned advocate for the applicant that as the applicant</p>	

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	<p>has fulfilled the parameters for submitting resignation and as a letter of resignation dated 24th April, 2020 along with 13-point enquiry in respect of resignation, being annexure "C" to the application, has been furnished, appropriate order may be passed.</p> <p style="text-align: center;">Mrs. S. Agarwal, learned advocate appearing on behalf of the State respondents submits that, if directed, the State respondents will consider the representation in accordance with law.</p> <p style="text-align: center;">Having heard the learned advocates for the parties and considering the facts and circumstances of this case, the original application is disposed of by directing the Secretary, Department of Health & Family Welfare, Government of West Bengal, – the respondent no. 1, to dispose of the letter of resignation dated 24th April, 2020 along with 13 point query within ten weeks from the date of presentation of a copy of this order downloaded from the internet/website by passing a</p>	

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Skg.	<p>reasoned order to be communicated to the parties, after giving an opportunity of hearing after verifying the records and after considering the judgement passed in W.P.S.T. No. 22 of 2016 in Dr. Debarati Chattopadhyay- vs- the State of West Bengal & Ors(supra).</p> <p>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.</p> <p>(Subesh Kumar Das) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	