

**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-49 OF 2018**

**DR. SUSHANTA BHANJA Vs. STATE OF WEST BENGAL & OTHERS.**

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>09</u> 08.07.19</p>	<p>For the Applicant : Mr.S.Ghosh Mr.R.K.Mondal Advocates</p> <p>For the State Respondent : Mr.S.N.Ray Advocate</p> <p>For the Advocate General : Mr.A.L.Basu West Bengal Advocate</p> <p>In this application, Dr.Sushanta Bhanja, the applicant, who had joined West Bengal Medical Education Service on 21<sup>st</sup> March, 2013 as R.M.O.-CUM- Clinical Tutor, Department of Padiatrics Medicine and thereafter transferred to North Bengal Medical College, Darjeeling on 1<sup>st</sup> December, 2015 and who has tendered resignation from service on 20<sup>th</sup> January, 2018, has prayed for a certain reliefs, the relevant portion of which is as under:</p> <p>(a) <i>An order do issue directing the concerned respondent authorities to forthwith issue release order in favour of the applicant consequent to his resignation letter, so made by him on 20.01.2018 before the Director of Medical Education &amp; Ex-</i></p>	

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	<p><i>Officio Secretary, Department of Health &amp; Family Welfare, Government of West Bengal, through proper channel, within a stipulated time period.</i></p> <p><i>(b) An order do issue directing the concerned respondent authorities to forthwith issue "Release Order" by accepting his resignation letter dated 20.01.2018 without causing any further delay.</i></p> <p><i>(c) An order do issue thereby quashing and/or setting aside the Finance (Audit) Notification No. 4499-F(P) dated 26.08.2016 declaring the same to be ultra-vires to the constitution of India.</i></p> <p>At the very outset, Mr.S.Ghosh, learned advocate for the applicant submits that he is not pressing the prayer (c) of the application. Submission is since the applicant has tendered resignation answering 13 point query, as evident from Annexure-C to the original application, and as in a similar situation an order has been issued on 22<sup>nd</sup> May, 2019 by the Special Secretary to the Government of West Bengal acceding to the prayer of Dr.Santanu Sarkar, an Assistant Professor, appropriate order may be passed.</p>	

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	<p>Mr.S.N.Ray, learned advocate appearing on the behalf of the State respondents submits that if directed the Director of Medical Education &amp; Ex-Officio Secretary, Department of Health &amp; Family Welfare, Government of West Bengal, the respondent No. 3 will consider the letter of resignation in accordance with law.</p> <p>Mr.A.L.Basu, learned advocate for the Advocate General, West Bengal submits that since the applicant does not press prayer (c) of the application, he is not opposing the prayer for consideration of the letter of resignation.</p> <p>Having heard Mr.Ghosh, Mr.Ray and Mr.Basu, learned advocates for the parties and considering the facts and circumstances of the case, the original application is disposed of by directing the Director of Medical Education &amp; Ex-Officio Secretary, Department of Health &amp; Family Welfare, Government of West Bengal, Kolkata, the respondent No. 3 to dispose of the representation dated 20<sup>th</sup> January, 2018 taking into consideration the 13 point query, being Annexure-C to</p>	

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BLR	<p>the application, by passing a reasoned order to be communicated to the parties within 12 weeks from the date of presentation of a copy of this order, after giving an opportunity of hearing and after verifying the records and after considering the judgements and orders which may be relied on by the applicant.</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>	