

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 538 of 2019.

DR. KOUSHIK BISWAS -Versus- THE 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;">2</p> <hr/> <p>26.7.2019.</p>	<p>For the Applicant : Mr. M.N. Roy, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p style="text-align: center;">Affidavit of service affirmed on 26th July, 2019 filed be kept on record.</p> <p>In this application, Dr. Koushik Biswas, a member of the West Bengal Medical Education Service and now posted as Assistant Professor (Biochemistry) in the Regional Institute of Ophthalmology, Medical College Hospital, Kolkata, has prayed for certain reliefs, the relevant portion of which is as under :-</p> <p>(a) An order do issue directing the concerned respondent authorities to forthwith issue release order along with all dues in favour of the applicant after accepting his resignation letter, so made by him on 27.05.2019 before the respondent authorities, immediately.</p> <p>(b) An order do issue directing the concerned respondent authorities to forthwith issue “Release Order” in favour of your applicant</p>	

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	<p>after accepting his resignation without causing any further delay, so as to enable your applicant to join the post of "Assistant Professor", Department of Biochemistry, AIIMS, Kalyani, Nadia by 24th July, 2019...".</p> <p>It is submitted by Mr. M.N. Roy, learned advocate for the applicant that since no objection Certificate was granted by the Director of Medical Education , Government of West Bengal on 13th March, 2019, wherein it has been mentioned that in the event the applicant is selected to the post he will be relieved from the duty to take up the post of Assistant Professor (Biochemistry) in AIIMS, Kalyani and as by order contained in the memo dated 14th March, 2019 the applicant was permitted to appear in the interview for the said post, as evident from page 21 of the application, appropriate order may be passed directing the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent no. 1 to accept the resignation letter dated 27th May, 2019 filed along with 13 point declaration and to issue</p>	

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	<p>release order.</p> <p>Mr. G.P. Banerjee, learned advocate for the State respondent submits, if directed, the State authorities will consider the matter in accordance with law.</p> <p>Having heard Mr. Roy, learned advocate for the applicant and Mr. Banerjee, learned advocate for the State respondent and considering the facts and circumstances of the case, the original application is disposed of by directing the respondent no. 1 to dispose of the letter of resignation dated 27th May, 2019 filed before the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent no. 1, by passing a reasoned order to be communicated to the parties within a fortnight from the date of furnishing a copy of the certified copy of this order after giving an opportunity of hearing and after verifying the records, particularly the “No Objection Certificate” dated 14th March, 2019, wherein it has been indicated that “In the event of his selection to the post, he will be relieved from the duty to take up the post</p>	

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Skg.	<p>of Assistant Professor (Biochemistry) in AIIMS, Kalyani...".</p> <p>No order as to costs.</p> <p>(S.K. Das) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	