

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 685 of 2018.

SHRI TARAPADA MRIDHA -Vs- 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>16 6.3.2020.</p>	<p>For the Applicant : Mr. G.P. Banerjee, Advocate.</p> <p>For the State Respondent : Mr. S.N. Ray, Advocate.</p> <p>In this application, Tarapada Mridha, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-</p> <p><i>"...A direction do issue upon the concerned respondent authorities to forthwith set aside/cancel/rescind/withdraw/revoke the impugned Order dated 08.03.2018 issued by the Principal Secretary to the Government of West Bengal, Finance (Revenue) Department being Annexure-'F' herein and to allow the applicant to re-join his duties as 'Commercial Tax Officer' under the Directorate of Commercial Taxes, Government of West Bengal by dint of his prayer dated 22.04.2010 in withdrawing his said resignation dated 18.11.2003 and to command them to act strictly in accordance with law:....".</i></p> <p>It appears that on 1st October, 1988 the applicant had joined as Commercial Tax Officer under the Directorate of Commercial Taxes and had tendered resignation on 17th November, 2003 from service and had</p>	

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	<p>made over his charge on 24th February, 2004. It appears from the application that the applicant had taken house building loan, which was yet to be recovered on the date of resignation. Deduction of the loan amount was stopped with effect from March, 2004 as he had submitted his resignation. By letter dated 27th February, 2004 the applicant requested the authorities to intimate about the acceptance of resignation to which the authorities by memorandum dated 4th March, 2004 intimated that the letter of resignation would be considered after deposit of the government dues. On 29th September, 2004 the applicant was intimated the quantum of dues. Thereafter, by letter dated 22nd March, 2010 the applicant withdrew his resignation when the dues were yet to be paid. In 2016 dues were paid. Thereafter the State respondents by order dated 6th February, 2018 had intimated that the resignation tendered by the applicant by "<i>....letter dated 17.11.2003 has been accepted in terms of Rule 34A 2(i) of WBSR Part-I with effect from 01.03.2004 i.e. the date from which he absented himself continuously from duties after tendering resignation...</i>" which is evident from page 39 of the</p>	

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	<p>application.</p> <p>Mr. Banerjee, learned advocate appearing on behalf of the applicant submits that as by letter dated 22nd April, 2010 the applicant had withdrawn the letter of resignation dated 17th November, 2003, that is before acceptance of resignation by letter dated 6th February, 2018, appropriate order may be passed directing the State authorities to allow him to rejoin.</p> <p>Mr. S.N. Ray, learned advocate appearing on behalf of the State authorities relying on the rejoinder submits as it appears from the memorandum dated 4th March, 2004 that as it was intimated that the letter of resignation submitted by the applicant would be considered after deposit of the government dues and as on 29th September, 2004 the applicant was intimated specifically the amount due and the amount was paid in 2016, that is after a delay of about twelve years, and after repayment the resignation was accepted, the prayer of the applicant for withdrawal of resignation may not be allowed.</p> <p>Heard learned advocates for the parties.</p> <p>Admittedly, the applicant had tendered his</p>	

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	<p>resignation on 17th November, 2003 and had stopped attending duties and made over his charge on 24th February, 2004. It is an admitted position that he had taken house building loan which on the date of his tendering resignation was yet to be repaid. It appears that the applicant by letter dated 27th February, 2004 had requested the State authorities to intimate him about the acceptance of letter of resignation. By memorandum dated 4th March, 2004, being annexure 'B' to the application, it was intimated that the letter of resignation submitted by the applicant is dependant on the deposit of the government dues. It is to be mentioned that on 29th September, 2004, the applicant was intimated about the quantum of dues as evident from pages 19 and 20 of the application. Thereafter, on 22nd April, 2010, the applicant had applied for withdrawing his resignation though the amount was yet to be paid. Admittedly, the amount was paid in the year 2016. Thereafter, by order dated 6th February, 2018, it was intimated to the applicant that his resignation has been accepted with effect from 1st March, 2004, that is the date from which he absented himself continuously from duties after</p>	

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Skg.	<p>tendering resignation. The argument on behalf of the applicant to allow him to rejoin as the letter of resignation was belatedly accepted does not have much force as it was intimated by memorandum dated 4th March, 2004 that the consideration of the letter of resignation would be dependent on the repayment of the dues. Since the dues were repaid in the year 2016 and thereafter the State respondents had accepted his resignation by letter dated 6th February, 2018 with effect from 1st March, 2004, the action of the said respondents is just and proper. Hence, no order is passed on the application. The application is disposed of.</p> <p>(Subesh Kumar Das) Member (A).</p>	<p>(Soumitra Pal) Chairman.</p>