

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

Hon'ble Justice Soumitra Pal.
& The Hon'ble Dr. Subesh Kumar Das .

Case No. OA 692 of 2016.

DR. NANDA KUMAR SHARMA – 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>09 31.07.2018.</p>	<p>For the Applicant : Mr. Samit Sanyal, Mr. Samik Chatterjee, Advocates.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>Though the matter is appearing under the heading of “Reply/Rejoinder and Objection”, by the consent of Mr. Samit Sanyal, learned advocate for the applicant and Mr. S. Ghosh, learned advocate for the respondent, the matter is taken up for hearing.</p> <p>In this application the applicant, a Medical Officer (Physician), has challenged the order dated 23rd April, 2014 whereby his application for voluntary retirement has been rejected by an order issued by the O.S.D. and Ex-officio Joint Secretary, Department of Health and Family Welfare, Government of West Bengal.</p> <p>It is submitted by the learned advocate for the applicant that since the issue is covered by the judgement of the Hon'ble High Court passed on 20th January, 2017 in W.P.S.T. 208 of 2014 (along with R.V.W. 18 of 2015 with C.A.N. 1797 of 2015) - Dr. Tonmoy Mondal –Vs- State of West Bengal & Ors , matter stands</p>	

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	<p>covered by the principles of law as has been laid down therein. It is also submitted that on this issue there are several judgements of the Hon'ble High Court as well as of this Tribunal.</p> <p>Learned advocate appearing on behalf of the State Respondent submits that the actions taken are in accordance with law. Submission is a Special Leave Petition has been preferred before the Hon'ble Supreme Court of India from the judgement dated 20th January, 2017 passed in Dr. Tonmoy Mondal –Vs- State of West Bengal & Ors (supra).</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the Original Application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances, annexing copies of relevant documents, before the Principal Secretary, Department of Health and Family Welfare, Kolkata, Respondent no. 1 within four weeks from the date of obtaining a copy of this order. If such representation is filed within the time as stipulated, the Respondent no. 1 shall dispose of the same by passing a reasoned order to be communicated</p>	

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Skg.	<p>to the parties within eight weeks after giving an opportunity of hearing and after verifying the records and after dealing with the judgements if relied on by the applicant without being influenced by the impugned order dated 23rd April, 2014 appearing at page 14 of the application. It is also made clear that if representation is not filed within the time as stipulated, the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no. 1 will not consider the representation .</p> <p>(S. K. Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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