

**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-875 OF 2019**

**ARPITA CHOWDHURY Vs. 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;"><u>02</u> 09.12.19</p>	<p>For the Applicant : Mr.G.P.Banerjee Mr.Sk.S.H.Molla Mr.G.P.Banerjee Advocates</p> <p>For the Respondents : None</p> <p style="text-align: center;">Affidavit of service filed today be kept on record.</p> <p style="text-align: center;">In this application, Arpita Chowdhury, the applicant, has prayed for certain reliefs, the relevant portion of which is set out hereunder:</p> <p style="text-align: center;">“a) An order do issue upon the respondent directing the respondent authorities, their agents, subordinates to release the applicant from her service with all consequential benefits of her past services.</p> <p style="text-align: center;">b)An order directing the respondents, their agents, subordinates to produce all records and proceedings so that conscionable justice may be administered by granting the relief for herinabove”.</p>	

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	<p>It appears that the applicant joined as Lower Division Assistant at Lalbazar on 28<sup>th</sup> June, 2002 and thereafter had performed duties at various offices. On 1<sup>st</sup> October, 2013, the applicant had filed an application for resignation from service before the Commissioner, Department of Panchayat &amp; Rural Development, inter alia, praying as under:</p> <p style="text-align: center;">“In the above context I do hereby submit my resignation from my present post as PDO counting the notice period as applicable from the date of receipt of this application and initiating the process of payment of due settlement in my favour after the expiry of the said notice period i.e. the acceptance of the resignation”.</p> <p>It appears thereafter that the Commissioner on 19<sup>th</sup> January, 2015 had passed an order, the relevant portion of which is as under:</p> <p style="text-align: center;">“Resignation tendered by Smt.Arпита Chowdhury, Panchayat</p>	

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	<p>Development Officer, now posted at Serampore-Uttarpara Development Block, Hooghly is hereby accepted with effect from the date of his release from the present assignment by the Block Development Officer, Serampore-Uttarpara Development Block, Hooghly”.</p> <p>Though resignation was accepted it appears till now no formal order of release has been passed by the authorities. It is submitted by Mr.G.P.Banerjee, learned advocate for the applicant, that since no formal order of release has been passed by the authorities pursuant to the resignation, she is unable to draw her dues which are permissible in law.</p> <p>In view of the submission made on behalf of the applicant, the application is disposed of by directing the Commissioner, Panchayat and Rural Development, West Bengal, Kolkata, the respondent to pass a formal order of release pursuant to the acceptance of letter of resignation, indicating the date of release, within ten weeks from the date of</p>	

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BLR	<p>presentation of a copy of this order and thereafter shall direct release of the dues of the applicant in accordance with law within eight weeks.</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>	