

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

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 888 OF 2019

DR. UTPAL GHOSH 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 style="text-align: center;">2</p> <hr/> <p>09.12.2019</p>	<p>For the Applicant : Mr. G.P. Banerjee, Advocate</p> <p>For Respondents : Mr. S. Ghosh, Advocate</p> <p style="text-align: center;">Since it is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that pursuant to the order dated 19th November, 2019 the respondents have been served with copies of the application, he is directed to affirm and file affidavit of service in course of this day.</p> <p style="text-align: center;">In this application, Dr. Utpal Ghosh, the applicant, who had joined as a Medical Officer in the West Bengal Health Services cadre under the Department of Health and Family Welfare, Government of West Bengal on 2nd August, 1991, and now posted at Basirhat District Hospital, Basirhat, has prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">“a) A direction do issue upon the concerned respondent authorities to forthwith grant sanction of the prayer of the applicant dated 23.10.2017 for voluntary retirement from service</p>	

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	<p>with effect from 31.01.2018 having fulfilled all preconditions thereof prior to getting effect of amended provision of Rule 75 (aaa) to Sub-Rule (aaaa) of the West Bengal Service Rules, Part-I, 1971 and also in consonance with the Judgement dated 03.01.2017 passed in OA No.346 of 2015 by this Hon'ble Tribunal, being Annexure 'A' and 'C' herein as well as to disburse all permissible retiring benefits in favour of the applicant and to command them to act strictly in accordance with law;"</p> <p>It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that since it is evident from annexure 'A' to the application that the applicant has filed an application for voluntary retirement along with proforma, appropriate order may be passed. Reliance has been placed on the judgements delivered in W.P.S.T. 26 of 2015 (State of West Bengal vs. Dr. Sraban Kumar Ghosh) and in OA 346 of 2015 (Dr. Ashok Kumar Maiti and Others vs. The State of West Bengal and Ors.) in support of his application.</p> <p>Mr. S. Ghosh, learned advocate appearing on</p>	

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SCN.	<p>behalf of the State respondents submits that the impugned order is just and proper. Submission is the issue is pending before the Hon'ble High Court.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the matter is disposed of by directing the Secretary, Department of Health and Family Welfare, Government of West Bengal, – the respondent No.1, to dispose of the application of the applicant for voluntary retirement, along with the proforma, by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order after giving an opportunity of hearing, after verifying the records and after taking into consideration the judgements delivered in WPST 26 of 2015 (State of West Bengal & Ors. –Vs- Dr. Sraban Kumar Ghosh) as well as the order passed by the Supreme Court and in OA 346 of 2015 (Dr. Ashok Kumar Maiti and Others vs. The State of West Bengal and Ors.).</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	