

**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 - 9 OF 2019**

**DR. ARUN KUMAR SASMAL 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;">08 <hr/>25.11.19</p>	<p>For the Applicant : Mr.U.Dutta Advocate</p> <p>For the Respondent : Mr.S.Ghosh Advocate</p> <p style="text-align: center;">In this application, the applicant who joined as Medical Officer in the West Bengal Health Services Cadre under the Department of Health and Family Welfare, Government of West Bengal in October, 1983 and now posted at Siliguri District Hospital, has prayed for certain reliefs, the relevant portion of which is as under :</p> <p style="text-align: center;">“(a) An order do issue directing the concerned respondent authorities to allow the applicant to retire voluntarily from service upon issuance of specific order to that effect within a stipulated period considering the predicament of the applicant as narrated above in the light of the Judgment and order dated 03.01.2015 rendered in the case of Dr. Ashoke Maiti &amp; ors. -Vs- State of West Bengal &amp; ors being O.A. No. 346 of 2015;</p>	

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	<p>(b) An order do issue directing the concerned respondent authorities to forthwith issue formal 'release order' in favour of the applicant w.e.f. 01.03.2017 without any further delay or excuse;</p> <p>(c) An order do issue directing the respondent authorities to accept the prayer of the applicant dated 14.12.2016 for voluntary retirement from service under Rule 75 (aaa) of the West Bengal Service Rules, Part-I, 1971 within a stipulated period of time in accordance with law;</p> <p>(d) An order do issue directing the concerned respondent authorities to forthwith disburse all retiral benefits in accordance with law after issuance of necessary order allowing the applicant to retire voluntarily from service, within a specific period of time."</p>	

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	<p>It is submitted by U.Dutta, learned advocate for the applicant that since the application dated 14<sup>th</sup> December, 2016 for voluntary retirement has been filed before the Director of Health Services, Government of West Bengal, Kolkata, the Respondent no. 3 along with Proforma, appearing at pages 48 and 49 of the application, appropriate order may be passed.</p> <p>Mr.S.Ghosh, learned advocate for the State respondent submits that as writ petitions filed by the State respondents challenging the orders passed by the Tribunal on the same issue, are pending before the High Court, no order may be passed.</p> <p>Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Director of Health Services, Government of West Bengal, Department of Health and Family Welfare, Kolkata, the respondent no. 3, to dispose of the application dated 14<sup>th</sup> December, 2016 for voluntary retirement along with Proforma by passing a reasoned</p>	

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BLR	<p>order to be communicated to the parties within 15 weeks from the date of presentation of a copy of the certified copy of this order after giving an opportunity of hearing and after verifying the records.</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>	