

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 91 OF 2018

DR. SUBRATA SHOME 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;">5</p> <hr/> <p>16.07.2018</p>	<p>For the Applicant : Mr. G.P. Banerjee Learned Advocate</p> <p>For Respondents : None</p> <p style="text-align: center;">In this application, the applicant, a Medical Officer in the West Bengal Health Services cadre under the Department of Health and Family Welfare, Government of West Bengal has prayed for a direction upon the respondent authorities to grant his prayer for voluntary retirement from service with effect from 1st October, 2016 for which a representation has been filed on 23rd June 2016 being Annexure 'A' to the application. Submission is since it remains to be considered, a further representation was made on 24th January 2017 being annexure 'E' to the application. It appears the petitioner had joined as Medical Officer on 15th October 1983. Submission is as he fulfils the stipulations for voluntary retirement in terms of Rule 75 (aaa) of the West Bengal Service Rules Part 1, his prayer may be directed to be considered by the appropriate authority.</p>	

Despite service of notice, none appears on behalf of the State respondents. Mr. Banerjee, Learned Advocate for the applicant submits that since the issue in question is covered by the judgement of the Tribunal passed on 10th May 2018 in OA 487 of 2017 (Mir Samser Zaman vs. The State of West Bengal & Ors.), the judgement of the Hon'ble High Court in W.P.S.T. 26 of 2015 (State of West Bengal & Ors. vs. Dr. Sraban Kumar Ghosh) passed on 2nd February 2015 and as therefrom the SLP filed by the authorities before the Hon'ble Supreme Court was dismissed on 26th October, 2015, the authorities may be directed to consider the matter accordingly.

Having heard Mr. G.P. Banerjee, Learned Advocate for the applicant and considering the facts and circumstances of the case, the original application is disposed of by directing the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, Kolkata, respondent No. 1 to dispose of the representation dated 24th January, 2017 as well as the representation filed before the Director of Health Services on 23rd June, 2016 praying for voluntary retirement by passing a reasoned order to be communicated to the parties within eight weeks from the date of presentation of a copy of certified copy of the order after giving an opportunity of hearing to the applicant and after taking into consideration the judgment of the Tribunal in O.A.

487 of 2017, judgement of the Hon'ble High Court in W.P.S.T. 26 of 2015 and the order passed by the Hon'ble Supreme Court on 26th October, 2015 and after verifying the records.

Urgent Photostat certified copy of this order, if applied for, be furnished to the parties on priority basis.

(S.K. Das)
MEMBER (A)

(Soumitra Pal)
CHAIRMAN

SCN.