

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 1045 OF 2018

DR. GOUR PADA NAYEK 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>21.01.2019</p>	<p>For the Applicant : Mr. M.N. Roy, Advocate</p> <p>For Respondents : Mr. S. Ghosh, Advocate</p> <p style="text-align: center;">Let affidavit of service filed today be kept on record.</p> <p style="text-align: center;">In this application, 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 30th November, 1990, and whose services were regularised from 12th January, 1994 and now posted at MJN Hospital, Cooch Behar, has challenged the order contained in the memo dated 19th January, 2017, being Annexure “G” to this application, communicated by the Deputy Director of Health Services (Admn), Government of West Bengal, whereby his prayer for voluntary retirement was rejected.</p> <p style="text-align: center;">It is submitted by Mr. M.N. Roy, learned advocate for the applicant that the impugned order is not</p>	

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	<p>at all a speaking order and, hence, cannot be sustained. Moreover, the issue is covered by the judgement dated 3rd January, 2017 passed in the OA No. 346 of 2015 - Dr. Ashok Kumar Maiti and Others vs. The State of West Bengal and Ors.</p> <p>Mr. S. Ghosh, learned advocate appearing on behalf of the State respondents submits that the impugned order is just and proper. However, if directed, the respondents shall reconsider the matter.</p> <p>We find that the impugned order contained in the memo dated 19th January, 2017 rejecting the application for voluntary retirement does not give any reason. It merely refers to Sub-Rule (75aaaa) of WBSR Part-I which according to the applicant is not applicable to him. Moreover, the order is cryptic. Hence the impugned order cannot be sustained and is set aside and quashed. The application is thus allowed. Therefore, considering the facts and circumstances of the case, as we find that the issue is covered by the judgement passed in the Original Application No. 346 of 2015 (Dr. Ashok Kumar Maiti and Others vs. The State of West Bengal and Ors.), the matter is disposed of by directing the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent No.1 to take a decision afresh by passing a reasoned order to be communicated to</p>	

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SCN.	<p>the parties within ten weeks from the date of presentation of a copy of this order after giving an opportunity of hearing and after taking into consideration the judgement delivered on 3rd January, 2017 in O.A. 346 of 2015 as well as the judgement passed 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. No order as to cost.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	