

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal, Hon'ble Chairman****& The Hon'ble Dr. Subesh Kumar Das, Administrative Member.****Case No –OA-268 of 2019.****Dr. Tarun Kumar Ghosh. –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>9</u> 20.08.2019.</p>	<p style="text-align: center;">For the Applicant : Mr. S. N. Ray, Advocate.</p> <p style="text-align: center;">For the State Respondents : Mr. S. Ghosh, Advocate.</p> <p>In this application, Dr. Tarun Kumar Ghosh, the applicant, who had joined as Medical Officer in the West Bengal Health Services in October, 1983 and is currently employed in the department of G & O as MO (G & O) has filed this application challenging the reasoned order dated 15th January, 2019 passed in compliance pursuant to the order passed by the Tribunal on 31st July, 2018 on the ground that it is cryptic and does not contain reasons. It is submitted by Mr. S. N. Ray, learned advocate that since the applicant had completed 20 years of uninterrupted service and had attained the age of 50 years and became eligible for voluntary retirement under Rule 75 (aaa) of W.B.S.R. Part-I much before the introduction of Rule 75 (aaaa), appropriate order may be passed. Submission is the matter is covered by the judgment delivered on 30th July, 2019 in OA-499 of 2019 – Dr. Subir Kumar Mukhapadhyay-Vs-The State of West Bengal & Others.</p>	

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	<p>Mr. S. Ghosh, learned advocate for the State respondents submits that the order dated 15th January, 2019, appearing at page- 23 of this application, is just and proper.</p> <p>We find that though direction was issued upon the respondents to file reply, no reply has been filed.</p> <p>Heard learned advocates for the parties. Since admittedly the applicant has completed 20 years of service and acquired the age of 50 years before the introduction of Rule 75 (aaaa) and as the issue is settled by the order passed on 30th July, 2019 in Dr. Subir Kumar Mukhapadhyay (Supra) and as an accrued right cannot be divested by Rule 75 (aaaa), which has no retrospective effect, and as the order under challenge appearing at page-23 is cryptic and does not disclose reasons, the said order is set aside and quashed. The application is allowed. Accordingly, the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, now designated as Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal, - the respondent no. 1, is directed to accept the application of the applicant for</p>	

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Sourav	<p>voluntary retirement dated 24th October, 2016 with effect from 31st January, 2017 within twelve weeks from the date of presentation of a copy of the certified copies of this order and shall disburse the pensionary benefits and other allowances as admissible under the law which have accrued in favour of the applicant expeditiously.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	