

**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-539 of 2019.

**Dr. Dilip Kumar Samanta. –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>4</u> 13.8.2019.</p>	<p><b>For the Applicant : Mr. G. P. Banerjee, Advocate.</b></p> <p><b>For the Respondents : Mr. S. Ghosh, Mr. R. K. Mondal, Advocates.</b></p> <p>In this application, Dr. Dilip Kumar Samanta, the applicant, has prayed for the certain reliefs, the relevant portion of which is as under :</p> <p style="text-align: center;"><i>“(a) A direction do issue upon the concerned respondent authority, particularly upon the Director of Health Services and Ex-Officio Secretary, Government of West Bengal, the respondent No.2 herein to forthwith implement the solemn Order dated 16.03.2017 passed by this Hon'ble Tribunal in OA No. 1054 of 2016 in its letter and spirit, being Annexure- 'C' herein, and to grant sanction of the prayer of the applicant dated 01.07.2016 for voluntary retirement from service with effect from 01.10.2016 having fulfilled all preconditions thereof prior to getting</i></p>	

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	<p><i>the amended provision of Rule 75 (aaa) to Sub-Rule (aaaa) of the West Bengal Service Rules, Part-I, 1971 in terms of the solemn Judgment dated 03.01.2017 delivered by this Hon'ble Tribunal in O.A. No. 346 of 2015, being Annexure-"A" and "B" 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; .....</i>"</p> <p>It appears that earlier the applicant had filed an application, being OA-1054 of 2016, which was disposed of on 16<sup>th</sup> March, 2017 by passing an order, the relevant portion of which is as under :</p> <p><i>".....In such view of the matter, the Memo No. 1D-111-2016/A 4822 Dated 01.09.2016 is set aside and Director of Health Services is requested to reconsider his decision in the light of the Judgment Dated 03.01.2017 in the case of Dr. Ashok Kumar Maiti in OA No.</i></p>	

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	<p style="text-align: center;"><i>346 of 2015.</i></p> <p style="text-align: center;"><i>The directions passed by the Tribunal be complied with within a period of 4 months from the date of communication of this Order. ...."</i></p> <p>Mr. G. P. Banerjee, learned advocate for the applicant submits that the Director of Health Services and Ex-Officio Secretary, Government of West Bengal, the respondent no. 2 may be directed to implement the order dated 16<sup>th</sup> March, 2017 passed in OA-1054 of 2016 and to grant sanction of the prayer of the applicant dated 1<sup>st</sup> July, 2016 for voluntary retirement from service with effect from 1<sup>st</sup> October, 2016 as he has fulfilled all the stipulations contained in the West Bengal Service Rules, Part-I, 1971.</p> <p>Mr. S. Ghosh, learned advocate for the respondents submits that, if directed, the respondent no. 2 shall reconsider the matter as directed by the order dated 16<sup>th</sup> March, 2017 passed in OA-1054 of 2016.</p> <p>Having heard learned advocates for the parties and considering the facts and circumstances of the</p>	

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<i>Sourav.</i>	<p>case, the application is disposed of by directing the Director of Health Services and Ex-Officio Secretary, Government of West Bengal, the respondent no. 2 to reconsider the matter regarding the grant of voluntary retirement to the applicant, as directed by the order dated 16<sup>th</sup> March, 2017 in OA-1054 of 2016, within four months from the date of presentation of a copy of the certified copy of this order.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	