

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-574 of 2019.****Anjana Roy. –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 |
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| <p style="text-align: center;"><u>2</u> 09.09.2019.</p> | <p>For the Applicant : Mr. P. Banerjee, Mrs. S. Agarwal, Advocates.</p> <p>For the Respondents : Mr. B. P. Roy, Advocate.</p> <p>For the Respondent No. 1 : Mr. A. Datta, Departmental Representative.</p> <p style="text-align: center;">Let affidavit of service filed be kept on record.</p> <p>In this application, Anjana Roy - the applicant, who is an Upper Division Assistant in the office of the District Magistrate and Collector, Jalpaiguri, has prayed for the following reliefs, the relevant portion of which is as under :</p> <p style="text-align: center;"><i>“i) In the circumstances as stated above, your Applicant humbly prays before your Lordships that Your Lordships would graciously be pleased to issue a Mandatory Order directing the Respondents and/or their agents and/or their subordinates to issue a Written Order in the name of the Applicant for</i></p> | |

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| | <p><i>acceptance of her retirement from her Services on and from 9th August 2018 voluntarily in the light of the paragraph 6 of the Memorandum bearing No-6620F dated 20th August 1981, being the Annexure A herein read with Sub rule (aaa) of Rule 75 of The West Bengal Service Rules Part I and to release her all Retiral Benefits which are available to her under the said Scheme forthwith and to pass any other Order and/or suitable order or Orders as your Lordships may seem fit and proper.</i></p> <p><i>ii) An Order directing the Respondents and/or their agents and/or their subordinates to withdraw and/or recall and/or quash</i></p> | |

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| | <p style="text-align: center;"><i>and/or rescind the Memo bearing No-538/Estt. dated 27th August 2018 issued from the office of the District Magistrate and Collector Jalpaiguri, being the Annexure I herein forthwith."</i></p> <p>Mr. P. Banerjee, learned advocate appearing on behalf of the applicant submits that since in view of the stipulations in the Memorandum bearing No-6620F dated 20th August 1981, being Annexure 'A' herein read with Sub rule (aaa) of Rule 75 of The West Bengal Service Rules Part I, as she is entitled to voluntary retirement and as she has submitted an application for voluntary retirement on 24th November, 2017 followed by an application dated 12th September, 2018, since no reply has been given by the District Magistrate and Collector, Jalpaiguri, - the respondent no. 2 (i)(iii), the appointing authority, the applications may be directed to be accepted.</p> <p>Mr. B. P. Roy, learned advocate appearing on behalf of the respondent nos. 2(i)(ii), 2(i)(iii), 2(i)(iv) and 2(i)(v) submits that as the District Magistrate and</p> | |

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| Sourav | <p>Collector, Jalpaiguri, one of the respondents is the appointing authority as evident from the Memorandum 20th August, 1981, if directed, the District Magistrate and Collector, Jalpaiguri will consider the matter in accordance with law.</p> <p>Mr. A. Datta, the departmental representative for the respondent no. 2(i)(i) adopts the submission of Mr. Roy.</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 District Magistrate and Collector, Jalpaiguri - the respondent no. 2 (i)(iii) to dispose of the application dated 24th November, 2017 filed by the applicant for voluntary retirement by passing a reasoned order to be communicated to the parties within twelve weeks from the date of presentation of a copy of this order after giving an opportunity of hearing to the applicant and after verifying the records in terms of Memorandum dated 20th August, 1981 and after taking necessary approval, if required.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p> | |

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