

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-815 of 2019.

Dr. Dipak Kumar Guria. –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>2</u> 22.11.2019.</p>	<p>For the Applicant : Mr. M. N. Roy, Mr. G. Halder, Advocates.</p> <p>For the Respondents : R. K. Mondal, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application, Dr. Dipak Kumar Guria, the applicant, who had joined as Medical Officer on 3rd February, 1988 and thereafter confirmed in service on 24th February, 1991, has prayed for a certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;"><i>“.....(a) An order do issue thereby directing the respondent authorities to accept the prayer for Voluntary Retirement and after accepting issue necessary release order in connection to prayer dated 24.01.2017 for Voluntary Retirement from Service within a stipulated time period keeping in mind that the applicant has already</i></p>	

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	<p><i>attained 50 years of age and rendered more than 29 years of service at the time of coming of the amended provisions dated 07.02.2014 and also in consideration of the letter and spirit of Judgment dated 03.01.2015 delivered in the matter of Dr. Ashok Kumar Maiti & Others-Versus-The State of West Bengal & Others.</i></p> <p><i>(b) An order do issue thereby direct the concerned respondent authorities to forthwith disburse all retiral benefits in accordance with law after issuance of specific order in terms of VRS application dated 24.01.2017, within a stipulated time period.</i></p> <p><i>(c) An order do issue thereby direct the concerned respondent authorities to</i></p>	

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	<p><i>dispose of the representation dated 24.01.2017 made before the Director of Health Services, Department of Health & Family Welfare, Government of West Bengal (through proper channel) and to pass a reasoned and speaking order after giving an opportunity of hearing to the applicant herein within a stipulated time period."</i></p> <p>Referring to the application for voluntary retirement dated 24th January, 2017, being annexure B to the application, Mr. M. N. Roy, learned advocate for the applicant submits that since the applicant has served for more than 20 years and is more than 50 years of age and as the application for voluntary retirement has been filed along with proforma and as it is yet to be disposed of, appropriate order may be passed.</p> <p>Mr. R. K. Mondal, learned advocate for the respondents submits that if directed the respondent authorities will consider the application dated 24th</p>	

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Sourav	<p>January, 2017 in accordance with law.</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 Additional Chief Secretary, now re-designated as Secretary, Department of Health & Family Welfare, Government of West Bengal, Kolkata, - the respondent no. 1, to dispose of the application for voluntary retirement dated 24th January, 2017 along with proforma appearing at pages-24 and 25, by passing a reasoned order to be communicated to the parties within twelve weeks from the date of communication of this order, after giving an opportunity of hearing and after verifying the records including documents, if submitted by the applicant.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	