

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

**The Hon'ble Justice Soumitra Pal,
& The Hon'ble Dr. Subesh Kumar Das.**

Case No –OA-833 of 2018.

Dr. Satyajit Chakraborty. –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> 16.11.2018</p>	<p>For the Applicant : Mr. Goutam Pathak Banerjee, Advocate.</p> <p>For the Respondents : Mr. Sankha Ghosh, Advocate.</p> <p>At the very outset it is submitted by Mr. Goutam Pathak Banerjee, learned advocate for the applicant that the issue in the instant Original Application is covered by order dated 14th August, 2018 passed in OA-794 of 2016 (Dr. Binayak Roy-Vs-State of West Bengal & Ors.). It is further submitted that though the matter has appeared for the first time as "Admission Hearing" since the issue is already settled, the matter may be taken up and disposed of, to which Mr. Sankha Ghosh, learned advocate for the state respondents, in his usual fairness, does not oppose.</p> <p>In this application, the applicant a Medical Officer, who had joined on 13th October, 1983 on ad-hoc basis and his service being regularised on 26th February, 1987 under the Health Services of Government of West Bengal, has prayed for a direction upon the state respondents to accept his representation for voluntary retirement dated 17th April, 2018 after setting aside the order contained in the memo. dated</p>	

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Form No.

Vs.**The State of West Bengal & Ors.**Case No. **OA-833 of 2018.**

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	<p>10th August, 2018 passed by the Deputy Director of Health Services (Admn.), West Bengal. Submission is since the applicant had completed 20 years of regular service on 25th February, 2007 and has completed 50 years of age on 1st January, 2008 and as the issue is covered by the judgement passed by the Tribunal in OA-346 of 2015 (Dr. Ashok Kumar Maiti & Ors.-Vs-State of West Bengal) delivered on 3rd January, 2017 and the judgement of the Hon'ble High Court in W.P.S.T. 26 of 2015 (State of West Bengal & Ors.-Vs-Dr. Sraban Kumar Ghosh) passed on 2nd February, 2015 and as the SLP filed by the authorities before the Hon'ble Supreme Court was dismissed on 26th October, 2015, the State authorities may be directed to consider the representation after quashing the said impugned order dated 10th August, 2018.</p> <p>Mr. Sankha Ghosh, learned advocate appearing on behalf of the state respondents submits that the issue may be directed to be considered by the authorities taking into consideration the new Sub-Rule 75(aaaa) which has come into force on 7th February, 2014.</p> <p>Since we find that the issue is covered by the</p>	

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Sourav	<p>judgement of this Court in OA-346 of 2015 (Dr. Ashok Kumar Maiti & Ors.-Vs-State of West Bengal) passed on 3rd January, 2017, the impugned order dated 10th August, 2018, appearing at page-20 of this application, cannot be sustained and is thus set aside and quashed. The Original Application is allowed. Accordingly, the Additional Chief Secretary, Department of Health & Family Welfare, Government of West Bengal, - the respondent no.-1, is directed to take a decision afresh by passing a reasoned order to be communicated to the applicant within eight weeks from the date of presentation of a copy of the certified copy of this order after giving an opportunity of hearing to the applicant and after taking into consideration the judgement delivered on 3rd January, 2017 in OA-346 of 2015 as well as the judgement passed by the Hon'ble High Court on 2nd February, 2015 in W.P.S.T. 26 of 2015 (State of West Bengal & Ors.-Vs-Dr. Sraban Kumar Ghosh) as well as the order passed by the Hon'ble Supreme Court. No order as to cost.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p>	<p>(SOUMITRA PAL) CHAIRMAN</p>