

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. - OA 213 OF 2025

DR. SUBHASHIS DEY - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

03
01.07.2025

For the Applicant	:	Mr. Sankha Ghosh Mr. Gourav Haldar Mrs. Priya Sasmal Advocates
For the State Respondents	:	Mr. Goutam Pathak Banerjee Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authorities to accept resignation of the applicant dated 05.02.2025 and to issue necessary release / relieving order within a stipulated time period.

The applicant, an RMO-cum-Clinical Tutor in the Department of Medicine under the Director of IPGME&R and SSKM Hospital, Kolkata had submitted 15-point declaration along with photo copies of the relevant documents as per rules with a prayer for his resignation from WBMES. The formal resignation letter was submitted on 05.02.2025 with immediate effect, his last working day being 31.12.2020.

Mr. G.P.Banerjee, learned counsel submits upon instructions that the applicant who had joined his service on 31.12.2018 discharging his duties till 31.12.2020, just for two years. Remaining on unauthorised absence for the past five years, he submitted his formal resignation letter on 05.02.2025. Submission of Mr.G.P.Banerjee is that to be eligible for

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acceptance of resignation from service, an employee has to complete minimum five years of regular and satisfactory service. As evident from the above dates, this applicant had not served more than two years of service. Further, he has also not been confirmed in the service.

Mr.S.Ghosh, learned counsel responding to the above points relies on a direction of this Tribunal dated 25.04.2025 in OA-333 of 2024 (Dr. Sreecheta Mukherjee Vs. The State of West Bengal & Others) and submits that the resignation letter of the applicant to be accepted.

Having heard the submissions and after examination of the records, this application is disposed of by directing the respondent No. 2, the Principal Secretary, Department of Health and Family Welfare to consider the prayer of the applicant for resignation letter and take the final decision within three months from the date of communication of this order. The application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR