

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 346 OF 2023

DR. ENAMUL HOQUE - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

03
06.05.2024

For the Applicant : Mr. I.Shiek
Mr.U.M.Khan
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 applicant having prayed for voluntary retirement prays for a direction to the respondent authorities to consider this application and allow him to retire on voluntary basis. Submission of Mr.Hati is that since 2013, several representations were submitted before the respondent authorities but till date neither these prayers have been accepted nor considered.

Submission of Mr.Banerjee is that though it is a fact, such representations have been submitted but the applicant has also continued to do his duty.

Mr.G.P.Banerjee, learned counsel files a copy of Memo. No. 28 dated 11.07.2019 and submits that though the applicant had prayed for voluntary retirement on the ground of his medical incapacitation, but when he was called to appear before the Medical Board, he failed to do so.

Learned counsel for the applicant submits that such advise for

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appearance before the Medical Board was received later than the date fixed for examination. Learned counsel assures that if a Medical Board is set up to examine him, the applicant will appear before such a Board. Mr.Banerjee also agrees that if a direction is given to the respondent authorities to examine the applicant by a Medical Board, the same will be complied.

Having heard the submissions of the learned counsels, it is clear to the Tribunal that the respondent authorities had given the opportunity to him for a medical examination to assess, if he was medically unfit to continue in the service, but despite such opportunity given to him, he has failed to be present. However, the Tribunal gives a liberty to the applicant to file a fresh representation praying for voluntary retirement on medical ground inclusive of his willingness to be medically examined by a Medical Board. If such representation is furnished, the respondent No. 2, the Director of Health & Ex-Officio Secretary may consider the prayer in accordance with law within a reasonable period of time.

Accordingly, the application is disposed of.

BLR

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