

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 618 OF 2021

DR. NUPUR BANERJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Asim Kumar Niyogi Advocate
<u>04</u> 12.08.2022	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. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In the application, Dr. Nupur Banerjee, Professor, Department of Oral and Maxillofacial Surgery, Dr.R.Ahmed Dental College and Hospital, Government of West Bengal, has prayed for certain reliefs, the relevant portion of which is as under:

“(a) A direction upon the respondents to forthwith consider and dispose of the representation submitted by the applicant praying for voluntary retirement on 10.05.2019 which is Annexure ‘C’ to this application and treat the applicant as retired from service with effect from 1st September, 2019 and allow the applicant all pension and all other retrial benefits.”

It appears earlier the applicant had filed an application for voluntary retirement on 8th February, 2018 which was rejected. Thereafter again on 10th May, 2019, she submitted an application for voluntary retirement in terms of Government Notification dated 20th August, 1981 issued by the Finance Department, Government of West Bengal. The applicant has stated since in

ORDER SHEET

Form No.

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view of the application for voluntary retirement dated 10th May, 2019 though she had retired on 1st September, 2019, however, surprisingly charge sheet has been issued against her under the West Bengal Services (Classification, Control and Appeal) Rules, 1971, which is continuing.

It is submitted by Mr.A.K.Niyogi, learned advocate for the applicant that since the application for voluntary retirement has been filed on 10th May, 2019, the respondents may be directed to treat her as having retired with effect from 1st September, 2019 and to allow superannuation and other benefits which are due.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents submits that the earlier application dated 8th February, 2018 for voluntary retirement was rejected on 11th May, 2019 and a copy of the order of rejection was served on her which has been suppressed in the letter dated 10th February, 2019 and also in the instant original application.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Principal Secretary now redesignated as Secretary, Department of Health and Family Welfare, M.A.Branch, Government of West Bengal, the respondent no. 2 to give reply to the letter dated 10th May, 2019 to the applicant within eight weeks from the date of furnishing a copy of this order downloaded from the website of the Tribunal.

BLR

(SOUMITRA PAL)
CHAIRMAN