

32 **20.06.
2022**

Ct. No. 04

Ab

WP.ST 32 of 2022

**Dr. Sembagamuthu Sembiah
Vs.
The State of West Bengal and others.**

**Mr. D. N. Ray,
Mr. Biswarup Nandy,
Mr. Sourav Halder.**

... for the petitioner.

**Mr. A. Ray,
Mr. Raja Saha,
Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly.**

... for the State.

Mr. Asok Bhowmik.

... for the respondent no. 4.

The instant writ petition was filed challenging an order of the tribunal dated 8th February 2022 in OA 37 of 2022 by which an application for resignation was directed to be considered by the Secretary, Department of Health and Family Welfare, Government of West Bengal within a specified time.

The fact remains that the writ petitioner was working in the said department and subsequently tendered resignation as he has been offered better employment in All India Institute of Medical Science, Kalyani.

The technical pleas were pitted against the substantial justice as the State Government was taking one plea or other in not relieving the writ petitioner.

By an order dated 17th May 2022, this Court after considering all the aspects and the points agitated before us directed the Secretary, Department of Health and Family Welfare, Government of West Bengal to issue release order by 18th May 2022 so that the writ petitioner may join in the post at All India Institute of

Medical Science, Kalyani before the extended date.

We are told that the said order has been duly complied with and the writ petitioner has joined the new employment after the order of release was issued by the said authority.

The gamut of dispute involved in the tribunal application as well as this Court was withholding of a decision on the letter of resignation submitted by the writ petitioner and the moment the order of release has been passed, we find that substantial justice has already been done to the writ petitioner and the cause of action, which initially arose, is no longer surviving.

In view of the above, the writ petition is disposed of on the basis of the findings made herein above.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)