

W.P.S.T. 139 of 2025

Dr. Sudip Bhattacharyya

Vs.

The State of West Bengal & Ors.

Mr. S. Ghosh,
Mr. M. N. Roy,
Mr. B. Nandy

...for the Petitioner

Mr. Tapan Kr. Mukherjee, ld. AGP,
Ms, Ashmita Chakraborty

...for the State

1. The petitioner was the applicant before the West Bengal Administrative Tribunal (hereinafter referred to as the 'S.A.T.') in O.A. No. 159 of 2025. The O.A. was filed pursuant to a resignation submitted by the petitioner on 24.01.2025. The petitioner expressed his desire to resign from the post of Assistant Professor in the Department of Orthopaedics at Raiganj Government Medical College & Hospital, Uttar Dinajpur. Since the resignation was not being accepted, the O.A. was filed seeking a direction upon the respondents to issue the relieving order in favour of the applicant.
2. The S.A.T. taking note of the stand of the respondent authorities that the petitioner has remained absent and not performing his duties since 08.01.2020, has disposed of the O.A. with a direction upon the Director of Medical Education, Department of Health & Family Welfare to serve a notice upon the applicant directing him to resume

his duties, failing which departmental proceedings may be initiated against him. The order of the S.A.T. to this effect is dated 24.06.2025.

3. The petitioner has put to challenge this order passed by the S.A.T. in the present proceedings.
4. The learned counsel representing the writ petitioner/applicant submits that the petitioner is desirous of pursuing his career and since he cannot lend his best services to the Government job, he considers it appropriate to resign from the same, to make way for others to take his place.
5. The learned AGP on the other hand submits that since 08.01.2020, the petitioner has not been performing any duty. Pursuant to the order passed by the S.A.T. a show-cause has also been issued on 07.07.2025 by the Director calling upon the petitioner to resume his duties failing which departmental proceedings were contemplated.
6. A copy of the show-cause dated 07.07.2025 has also been handed over to us which we retain in the records.
7. It is apparent from the show-cause dated 07.07.2025 that no departmental proceedings have been initiated against the petitioner by issuance of a charge memo. These facts have to be viewed keeping in background the submission advanced on behalf of the petitioner today that he

shall not be claiming any salary from 08.01.2020 as he has not performed any work. The only dues that may be paid to the petitioner are his contributory balance in the Provident Fund Account and dues admissible under the head Group Insurance.

8. Since the petitioner is not claiming any dues otherwise for the past five years, and there is no departmental proceedings coming in the way of the petitioner's resignation, we find it a case where the resignation of the petitioner is to be accepted by the respondent authorities, subject however, to the relinquishment of dues, other than Provident Fund and Group Insurance as noted above.
9. The petitioner should submit an affidavit to this effect before the respondent no.3 within 2 (two) weeks from date. Subject to furnishing of such affidavit, the petitioner's resignation is required to be accepted and appropriate relieving order be issued by the respondent no.3 within 4 (four) weeks thereafter.
10. The Writ Petition being **W.P.S.T. No.139 of 2025** stands disposed of accordingly.
11. There will be no order as to costs.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)