

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – O.A. 251 of 2020

**SMT. REBATI KISKU Vs The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>2</p> <hr/> <p>14.09.2020</p>	<p>For the Applicant : Mr. G.P. Banerjee, Mr. M.S. Mandal, Advocates</p> <p>For the Respondents : Mr. S. Ghosh, Advocate</p> <p>In this application, Rebati Kisku, the applicant, has challenged the order of transfer dated 14<sup>th</sup> July, 2020 issued by the Chief Medical Officer of Health, Purulia, the respondent no.3. Prayer has also been made for considering her representation and to allow her to join at Daulatpur Sub-Centre or at the nearest Sub-Centre and to grant 120 days maternity leave. Perusing the Original Application we find that the applicant joined as Health Assistant (Female) at Sijua S/C under Binpur Rural Hospital on 23<sup>rd</sup> November, 2009. Thereafter, she was transferred and was temporarily posted at Kalikati S/C under Pathardih BPHC on 23<sup>rd</sup> September, 2013. Thereafter she was transferred to Daulatpur Sub-Centre under Kollali BPHC pursuant to the order dated 18<sup>th</sup> May, 2020 and filed joining report on 20<sup>th</sup> May, 2020. Again, an order of transfer dated 22<sup>nd</sup> May, 2020 was issued and the applicant was directed to join Jamkuri Sub-Centre. The applicant, thereafter, made a representation. It</p>	

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	<p>appears that thereafter the office order dated 11<sup>th</sup> March, 2020 was cancelled by order dated 14<sup>th</sup> July 2020 and she was directed to report to the BMOH, Pathardih BPHC. According to the applicant these frequent transfers from one Sub-Centre to the other is arbitrary and illegal. Submission is since representation dated 17<sup>th</sup> July, 2020 has been filed before the respondent no.3, the said respondents may be directed to consider it and till it is considered, the transfer order may be stayed and order be issued directing that no penal action be taken.</p> <p>Mr. S. Ghosh, learned advocate appearing on behalf of the State respondents submits that, if directed, the State respondents will consider the matter in accordance with law.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the Original Application is disposed of by granting liberty to the applicant to file a representation afresh before the Chief Medical Officer of Health, Purulia, the respondent no.3 by 25<sup>th</sup> September, 2020 along with a copy of this order downloaded from the internet / website and if such representation is filed within the time as stipulated, the said respondent no.3 shall dispose of the same by passing a reasoned order with regard to her posting which will be communicated to her within four weeks after giving an opportunity of hearing. Till reasoned order regarding the posting of the applicant is</p>	

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SCN.	<p>passed and communicated, no further transfer order will be passed and no effect shall be given to the order dated 14<sup>th</sup> July, 2020, appearing at page 26 of the Original Application, and no penal action will be taken against her.</p> <p>Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	