

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

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

Case No – OA 52 OF 2018

AMIT KUMAR DEY 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>6</p> <hr/> <p>17.07.2019</p>	<p>For the Applicant : Mr. R. Mondal, Advocate</p> <p>For the Respondents : Mr.G.P. Banerjee, Mr. S. Ghosh, Advocates</p> <p>In this application, the applicant has prayed for a direction upon the respondents to set aside the order dated 15th December, 2017, issued by the Assistant Engineer, Habra Highway Sub-Division, P.W. (Roads) Directorate, the respondent no.2(d), whereby he was transferred from Habra Highway Sub-Division to Basirhat Highway Sub-Division. The challenge to the order of transfer has been made on the ground that son of the applicant would appear in the Madhyamik Examination in March, 2018 and his health would not permit to join the post.</p> <p>Heard Mr. R. Mondal, learned advocate for the applicant and Mr. G.P. Banerjee, learned advocate for the State respondent. Admittedly transfer is a part of one's service career. The Hon'ble Supreme Court in (2004) 11 SCC 402 : State of U.P. and Others Versus Gobardhan Lal, has held as under :</p>	

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SCN	<p style="text-align: center;">“7.....Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made.”</p> <p style="text-align: center;">There is nothing on record to show that the order of transfer is mala fide or is violative of statutory provision. Therefore, as the examination of the son of the applicant is complete and Basirhat is not far from Habra, no order is passed on this application. The application is dismissed.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p style="text-align: right;">(Soumitra Pal) CHAIRMAN</p>	