

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 467 OF 2018

UTPAL KUMAR DAS 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 style="text-align: center;">3</p> <hr/> <p>05.07.2018</p>	<p>For the Applicant : Mr. G.P. Banerjee Learned Advocate</p> <p>For the Respondents: Mr. S.N. Ray Learned Advocate</p> <p style="text-align: center;">By order dated 4th July 2018 the matter was directed to appear under the heading “Admission Hearing” on this date. However, it has wrongly appeared in the list under the heading “To Be Mentioned”. Mr. G. P. Banerjee, Learned Advocate for the applicant and Mr. S.N. Ray, Learned Advocate for the Respondents in their fairness submit that they are ready to argue the matter though it has appeared under a wrong heading. Let affidavit of service filed today be kept on record.</p> <p style="text-align: center;">In this application the applicant, Savings Development Officer, Burdwan has challenged the office order dated 7th June 2018 transferring him to Cooch Behar. It is submitted by Mr. Banerjee that though by order dated 5th August 2016 the petitioner was transferred from Kolkata to Burdwan on promotion and though he had joined the transferee post on 30th May, 2017,</p>	

ORDER SHEET

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>however, within a year he has again been transferred to Cooch Behar which is under challenge. Submission is that though the applicant has to look after his 87 year old mother and has a 8 month old baby and representations to that effect were served on the Director of Small Savings, and Ex-Officio Joint Secretary, Kolkata, the respondent No. 2 by letters dated 8th June, 2018 and 14th June 2018, being Annexure “E” and “F” respectively, those have not been considered. Submission is being aggrieved though the application was filed before the Tribunal on 22nd June, 2018 and the copies of the applications were served on the respondents on 25th June 2018, however, after receiving the application, release order has been issued releasing him from 27th June, 2018 which is unfair and against the principles of natural justice. Submission is that the release order may be directed to be quashed and the representation may be directed to be considered.</p> <p>Mr. S.N. Ray, Learned Advocate appearing on behalf of the respondents submits that the applicant after being posted in Kolkata for above 15 years, on 5th August 2016 was transferred to Burdwan on promotion. The present order of transfer to Cooch Behar is a regular transfer.</p> <p>It is an admitted fact that by order dated 5th August 2016 the applicant was transferred from Kolkata</p>	

ORDER SHEET

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>to Burdwan on promotion where the applicant had joined on 30th May 2017. Thereafter by impugned office order dated 7th June, 2018 he has been transferred from Burdwan to Cooch Behar. Aggrieved the applicant had filed representations dated 8th June 2018 and 14th June 2018 before the Director of Small Savings, and Ex-Officio Joint Secretary, Kolkata which are yet to be disposed of by the respondents. Aggrieved the applicant on 22nd June 2018 filed this application before the Tribunal which was served on the respondents, as evident from the affidavit of service, on 25th June 2018. Soon thereafter on 27th June 2018 release order has been issued. Let a copy of the release order filed be kept on record.</p> <p>In our view the action of the respondents in issuing the release order after receiving a copy of the original application is uncalled for, unjust and against the principles of fair play and natural justice. Hence the release order dated 3rd July 2018 stands set aside and quashed. Since the applicant has filed two representations dated 8th June 2018 and 14th June 2018, considering such fact this original application is disposed of by directing the Director of Small Savings, and Ex-Officio Joint Secretary, Kolkata, respondent No. 2 to dispose of the said representations by passing a reasoned order to be communicated to the parties within four weeks from the date of presentation of a copy of certified copy of this</p>	

ORDER SHEET

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
SCN.	<p>order after giving an opportunity of hearing and after verifying the records. We make it clear that we have not interfered with the order of transfer. It is also made clear that we have not gone into the merits of the matter and all points are left open to be dealt with by the Director of Small Savings, and Ex-Officio Joint Secretary, Kolkata, respondent No. 2. Since the application is disposed of at the stage of admission without calling upon the respondents to file reply, the allegations made therein are deemed to have been denied.</p> <p style="text-align: center;">Urgent Photostat certified copy of this order, if applied for, be furnished to the parties on priority basis.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p style="text-align: right;">(Soumitra Pal) CHAIRMAN</p>	