

**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 649 OF 2017

**PARITOSH GHOSH 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>14</p> <hr/> <p>05.09.2019</p>	<p>For the Applicant : Mr. S. K. Nandi, Learned Advocate</p> <p>For the State Respondent: Mr. M.N. Ray, Learned Advocate</p> <p>In this application the applicant nos. 1 to 5, members of the State Armed Force and applicant nos. 6 to 8, Constables, who had served in the Counter Insurgency Force Services, West Bengal, have prayed for certain orders, the relevant portion of which is as under:</p> <p>“(i) Order / Orders be passed directing the respondent authorities to issue the order of posting as per choice of the applicants in terms of the police order No. 10 / 2010 for the police personals of the Counter Insurgency Force, under the West Bengal Police Directorate, Writers Buildings, Kolkata – 1, presently at Bhawani Bhavan, Alipore, Kolkata: – 700 027.</p> <p>(ii) Order / Orders be passed directing the respondent authority to keep at</p>	

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	<p style="text-align: center;">least eight posts vacant in the place of their choice of the each applicants.”</p> <p>Relying on the application and the rejoinder it is submitted by Mr. S.K. Nandi, learned advocate for the applicants that since his clients have successfully completed their tenure in Jangal Mahal while conducting the counter insurgency operations after being trained and as they are covered by the Police Order No. 10 / 2010, particularly paragraph 4.4 thereof, they are entitled to be posted at the district of their choice. Since armed personnel similarly situated have been given posting of their choice, appropriate order may be passed. In this regard our attention has been drawn to the memo dated 31<sup>st</sup> March, 2017 issued by the Deputy Inspector General of Police (A) Government of West Bengal whereby he has forwarded the request of the applicants for transfer to the respective Commandants of the S.A.P and S.S.F. Battalions.</p> <p>Mr. M.N. Ray, learned advocate appearing on behalf of the respondents relying on the reply submits that admittedly the applicant no.1 is a Sub-Inspector and is not covered under the provisions contained in Police Order No. 10 / 2010. Moreover, the name of the applicant no.8 does not figure in the memo dated 31<sup>st</sup> March, 2017.</p>	

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SCN.	<p>Further from a perusal of paragraph 4.4 of Police Order No. 10 / 2010 it is evident that it is directory and not mandatory. Moreover, as the applicants could not complete their tenure successfully, no order may be passed.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, particularly memo dated 31<sup>st</sup> March, 2017 issued by the Deputy Inspector General of Police (Administration) Government of West Bengal, the respondent no.4, the application is disposed by directing the said respondent no.4 to dispose of the matter regarding the prayers of the applicants, including the applicant no.8, whose name does not figure at page 77 of the application, for transfer to districts or units of their choice, by passing a reasoned order to be communicated to the parties within twelve weeks after giving an opportunity of hearing and after verifying the records.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	