

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 935 OF 2018**
GOUTAM TIWARY 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>12.12.2018</p>	<p>For the Applicant : Mr. G.P. Banerjee Mrs. P. Ray Mishra Advocate</p> <p>For the Respondents: Mr. S.N. Ray Advocate</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application, the applicant has challenged the transfer order dated 26th November, 2018, issued by the Director of Health Services, West Bengal transferring him from Garbeta Rural Hospital, Paschim Medinipur to Kaliaganj State General Gramin Hospital, Uttar Dinajpur on several grounds. It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that as proceedings are going on against the applicant and as the impugned order of transfer is punitive in nature and as he has to look after his mother, who is 96 years of age and is totally dependent on the applicant, the order of transfer may be set aside.</p> <p>Mr. S.N. Ray, learned advocate appearing on behalf of the respondents, referring to the impugned order of transfer submits that the order of transfer is not punitive in nature and has been issued in public interest. Moreover, the applicant is posted at Garhbeta since 1998.</p>	

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	<p>Heard the learned advocates for the parties. the impugned order of transfer issued by the Director of Health Services, West Bengal, Kolkata, the respondent no.2 is set out hereunder :</p> <p style="text-align: center;">“Goutam Tiwari, Medical Technologist (Lab), presently posted at Garbeta RH, Pashchim Medinipur, is hereby transferred and posted temporarily at Kaliyaganj SGH, Uttar Dinajpur in the same capacity until further order vice Debasis Mandal.</p> <p style="text-align: center;">Debasis Mandal, Medical Technologist (Lab), presently posted at Kaliaganj SGH, Uttar Dinajpur, is hereby transferred and posted temporarily at Garbeta RH, Pashchim Medinipur in the same capacity until further order vice Goutam Tiwari.</p> <p style="text-align: center;">Goutam Tiwari, Medical Technologist (Lab) will move first. This order is issued in the interest of public services.”</p> <p>From perusal of the said order of transfer, we find that it is not punitive in nature. Since transfer is a part of one’s service career we do not interfere with the</p>	

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SCN.	<p>order of transfer. Moreover, it appears from the representation dated 27th November, 2018 appearing at page 22 of the application that the applicant has prayed for some time to make alternative arrangement for his mother. In the facts and circumstances, the applicant will join in the transferred post at Uttar Dinajpur within a fortnight from the date of obtaining a copy of this order. However, as the applicant has filed a representation dated 27th November, 2018, considering the facts and circumstances of the case, this application is disposed of by granting liberty to the applicant to file a fresh representation ventilating his grievances before the Director of Health Services, Government of West Bengal, the respondent no.2 along with a copy of this order within a fortnight from the date of obtaining a copy of this order which will be considered by the Director of Health Services, Government of West Bengal, Kolkata, the respondent no.2 by passing a reasoned order to be communicated to the parties after giving an opportunity of hearing to the applicant and after verifying the records within a fortnight thereafter. It is made clear that the respondent no.2 will consider the application after the applicant has joined at the transferred place.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p>	<p>(Soumitra Pal) CHAIRMAN</p>