

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

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Subesh Kumar Das

Case No –OA 988 OF 2017

**SATYAJIT CHAKRABORTY 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>25.06.2018</p>	<p>For the Applicant : Mr. Arnab Ray Learned Advocate</p> <p>For the State Respondent: Mr. G.P. Banerjee Learned Advocate</p> <p>The applicant was working as Lecturer in Humanities in Government Polytechnics namely Ramkrishna Silpa Vidyapith, Suri in the District of Birbhum. He was transferred from the post of Lecturer of the Polytechnic at Suri to the post of Lecturer at Jalpaiguri Government Polytechnic Institute by order dated October 8, 2015 issued by the Joint Secretary, Government of West Bengal, Department of Technical Education and Training (Polytechnic Branch). The applicant joined his new assignment at Jalpaiguri on October 8, 2015. However, the applicant moved this Tribunal by filing original application No. 1124 of 2015 by challenging order of transfer and the said original application No. 1124 of 2015 was disposed of by the Tribunal on December 17, 2015. The Tribunal gave liberty to the applicant to submit representation in connection with his transfer and gave direction to the respondents to consider the said representation, if any filed by the applicant within</p>	

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	<p>a period of two months from the date of submission of the representation after giving the applicant an opportunity of hearing and to communicate the result of the same to the applicant within a period of fifteen days thereafter. Subsequently, the applicant submitted the representation which was considered by the Principal Secretary, Government of West Bengal, Department of Technical Education, Training and Skill Development and a reasoned order was passed on January 3, 2017 by rejecting the representation submitted by the applicant. Now, the applicant has challenged the said reasoned order dated January 3, 2017 by filing the instant original application.</p> <p>Mr. Arnab Ray, Learned Advocate for the applicant has challenged the reasoned order on two-fold grounds: first, the concerned respondent has not considered that the applicant was transferred in the midst of academic session and secondly, the concerned respondent has not considered that the applicant has not completed tenure of four years in the zone where he was posted before transfer. He further contends that the transfer order has not disclosed the reasons for transfer of the applicant in the midst of academic session from Suri to Jalpaiguri. The further contention of the Learned Counsel is that the transfer order is in violation of policy of transfer issued by the Government. We have also heard Mr. G.P. Banerjee, Learned Counsel representing the State</p>	

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	<p>respondents, who has supported the order of transfer and the reasoned order under challenge in the application.</p> <p>Having heard Learned Counsel representing both parties, and on consideration of the background of transfer of the applicant, we find that the applicant served in Zone “B”, Zone “A” and Zone “C” before his transfer to Zone “E” where he has been working since October 8, 2015. On our query Learned Counsel for the applicant has stated that the applicant joined in a vacant post in a polytechnic at Jalpaiguri. The facts that the applicant never served in Zone “E” and that he joined in a vacant post, indicate that there are administrative exigencies for transfer of the applicant in the midst of academic session. On consideration of the policy of transfer of the teaching and non-teaching staff of Government polytechnic issued by the Department of Technical Education and Training, Government of West Bengal on July 18, 2011, we find that the policy of transfer can never be construed as a privilege or a matter of right. It is also crystal clear of the said transfer policy that any teaching staff of Government polytechnic can be transferred from one zone to another zone on administrative exigency and convenience. The reasons need not be disclosed in the order of transfer as contended on behalf of the applicant. The policy of transfer further indicates that every Group “A” Officer will have to serve at least once in Zone “E” in his or her</p>	

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	<p>service career, whereas the applicant never served in Zone “E” before the order of transfer which was challenged by the applicant before the Tribunal in 2015. Moreover, it is held by the Hon’ble Supreme Court in paragraph 16 of the judgement of “State of U.P. V. Gobardhan Lal” reported in (2004) 11 SCC - 402, that the administrative guidelines for transfer of Government employee can at best afford an opportunity to the concerned employee to approach his higher authority for redressal of his grievances, but cannot have the consequences of depriving the competent authority to transfer a particular employee to any place in public interest, as the same does not confer any legally enforceable right on the employee.</p> <p>It is well settled that the transfer is a condition of service to which the applicant belongs. The order of transfer being condition of service can only be challenged before the court of law if the order of transfer is illegal or malafide or punitive in nature or order has been issued in violation of any statutory provision. In the instant case, the applicant has been transferred in the interest of public service in a vacant post in Zone “E” where the applicant has not served during his career as Lecturer of Government polytechnic. In view of our above findings we do not find any merit in the submission made on behalf of the applicant. The impugned order passed by the Principal Secretary, Department of Technical Education,</p>	

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SCN.	<p>Training and Skill Development, Government of West Bengal on January 3, 2017 is found to be logical and in accordance with the provision of law. Since we do not find any reason as to why the applicant has approached the Tribunal by challenging the reasoned order dated January 3, 2017, we are of the view that the present application has been filed in a frivolous way. Accordingly, the present original application is dismissed with cost of Rs. 5,000/- (Rupees five thousand only) to be paid by the applicant to the State of West Bengal within a period of four weeks from the date of this order.</p> <p style="text-align: center;">Let a plain copy of the order be supplied to both parties.</p> <p>(S.K. Das) MEMBER (A)</p> <p style="text-align: right;">(R.K. Bag) MEMBER (J)</p>	