

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – CCP 3 of 2024 [OA 48 of 2024]

Amalita Khanra -- VERSUS – Mr. Parwez Ahmed Siddiqui, Principal Secretary, Food & Supplies Department.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. G. Halder, Ld. Advocates.
<u>01</u> 14.03.2024	For the Contemnor/OP	: Mr. G.P. Banerjee, Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on record.

Mr. Roy submits that despite the Tribunal's clear direction to the respondent authorities, the alleged contemnors have refused to comply.

By an order of this Tribunal in OA 48 of 2024 dated 08.02.2024, the transfer order transferring the applicant from Directorate at Kolkata to Malda issued by a transfer order dated 09.01.2024 was stayed with a further direction to file a reply in this matter. Attention has been drawn to the same memo dated 09.01.2024, by which the respondent authority had cancelled the earlier transfer order No. 963 dated 07.09.2023. In terms of such stay of the transfer order to Malda, the applicant had gone to join in her earlier office at the Directorate of Rationing. But she was not allowed to join. By a memo no. 95 dated 15.02.2024 it was informed to the applicant that since she had already been released from this Directorate vide order no. 565 dated 08.09.2023, her request for joining cannot be considered. Mr. Roy brings to my attention that the memo. no. 963 dated 07.09.2023 was earlier cancelled by the respondent by an order no. 27 dated 09.01.2024. And by such cancellation, the Release Order dated 08-09-2023 also stands cancelled. Therefore, he is astonished as to why an order which has already been cancelled has come back in force and by dint of such cancelled order, the respondent authorities have refused her joining.

After hearing the submissions of the learned counsels, the Tribunal finds that the respondent authorities have not complied with the direction of

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this Tribunal and allow the applicant to join the office of Directorate of Rationing. The order passed by this Tribunal on 08.02.2024 had made it very clear not to execute the transfer order dated 09.01.2024. By such direction, it was clearly comprehensible that she will continue to be posted in her old office at the Directorate of Rationing. But it is surprising to know that the Directorate of Rationing has refused her joining on such an invalid ground.

With the above observations, the respondent no. 2, Director of Rationing is directed to comply with the direction of this Tribunal in OA 48 of 2024 dated 08.02.2024 within a period of one (01) week from the date of communication of this order and allow the applicant to join her post as LDTR in the Directorate of Rationing Kolkata within one week from communication of this order.

Let the matter appear under the heading "**Hearing**" on **18.04.2024**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS