

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,  
Case No. - MA 13 OF 2024 (OA 828 of 2023)**

**DR. KEKA MUKHOPADHYAY - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and Date of order	For the Applicant	: Mr. Sankha Ghosh Mr. Manujendra Narayan Roy Advocates
<u>03</u> 18.04.2024	For the State Respondents	: Mr.Goutam Pathak Banerjee 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 23<sup>rd</sup> 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.

In terms of a direction of this Tribunal in OA-554 of 2023, the Senior Special Secretary (HS), Department of Health and Family Welfare passed a reasoned order. This reasoned order had considered the prayer of the applicant for transfer from Birbhum to Paschim Bardhaman. The applicant is a Medical Doctor under Health and Family Welfare Department. In a representation before the authorities, the applicant had cited the reason for such transfer on the ground that her brother is 70% mentally retarded and requires regular care and supervision. Being the only sibling and guardian she needs to be close to him. Though such application for transfer was regretted at that time, but the respondent authority also assured that such transfer on humanitarian ground may be considered in future. A Memo. No. 42011 dated 08.10.2018 issued by the Government of India was also presented but not considered by the respondent authority on the ground that such Memo. is not applicable to the Officers of WPHAS cadre. Now, the applicant has filed this application praying for transfer to Paschim

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Bardhaman or Bankura District from the present place of posting in Birbhum District. The applicant has presented a copy of Memo. No. 2784 dated 25.02.2004 issued by the Department of Health and Family Welfare in support of her prayer. Para (ii) of the Notification is as under:

*“ ii) Legal guardian of the dependent physically or mentally handicapped persons belonging to moderate or above categories in case the latter's parent are not alive.”*

Submission of the learned counsel is that this Notification clearly supports her case since she is the care giver of her mentally retarded brother staying at home.

Having heard the submissions of the learned counsels, this application is disposed of by directing the respondent No.4 to consider the same prayer of the applicant as in OA-828 of 2023 for her transfer from Birbhum District to either Paschim Bardhaman or Bankura District in the light of the Memo. No. 2784 dated 25.02.2004 within a period of 8 weeks from the date of presentation of a copy of this order. Accordingly, the application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR