

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. OA – 162 of 2023

Bimal Das - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>1</u> 20.03.2023	For the Applicant	: Ms. D. Lahiri, Mr. M. Chatterjee, Advocates
	For the Respondents	: Mr. A. Mitra, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 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, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept in record.

The prayer in this application is for setting aside the impugned order dated 10.11.2022, by which the applicant has been transferred to Jalpaiguri district from Nadia.

The learned counsel for the applicant prays for an interim order directing the Respondent not to fill up the vacancy of Administrative Officer, Dy. C.M.O.H.-III Office, Purba Burdwan.

Mr. Mitra opposes such an interim order on the ground that the applicant who has been under orders to join Jalpaiguri has not joined yet, therefore, the question of keeping the post vacant in Purba Burdwan for him is irrelevant. The applicant as per the transfer order should first join the post in Jalpaiguri and then pray for transfer to Purba Burdwan or anywhere else.

The matter is admitted.

So far prayer for interim order is concerned, the Tribunal is of the view that since the applicant has not complied with the order of the transfer to Jalpaiguri, granting the interim order by way of directing the Respondent to keep the post of Administrative Officer in Purba Burdwan for him is too preposterous. As a Govt. employee it is his duty to carry out the order of transfer. Requests for change of place of posting can also be furnished before the employer. It is also noted that the applicant did not feel aggrieved and treated unfairly by the Respondent in violation of any Transfer Policy or

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Norm.

The Hon'ble High Court and the Hon'ble Supreme Court has in numerous judgements ordered that the Tribunal should not interfere in transfer matters and no interim order be passed unless it is satisfied that the employee has been unfairly transferred in violation of any transfer norms. In this case, the Tribunal has not been satisfied that an interim order be directed upon the respondent to keep the post of Administrative Officer in Purba Burdwan vacant for him. Such prayer for an interim order has no merit and precedence.

Therefore, the interim order as prayed is not allowed at this stage.

Let the matter appear under the heading 'Reply / Rejoinder and Objection' on 27.06.3023.

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

A.K.P