

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 – 679 of 2024

Sabyasachi Choudhury - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	: Mr. A. Chakraborty,
and		Mr. S. Konar,
Date of order		Advocates.
<u>1</u>		
13.01.2025	For the Respondents	: None.

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.

Affidavit of service filed be kept in record.

By letter of the learned advocate, it was informed to the respondents that the matter will be taken up by the Tribunal on 13.01.2025 instead of 10.01.2025. The applicant has prayed for a direction in this application for setting aside the impugned transfer order dated 20th December, 2024. A copy of the impugned order shows the applicant being transferred from Kangsabati Canals Division II, Khatra, Bankura to Mahananda Barrage Division, Siliguri. Mr. Chakraborty, learned counsel draws attention to Memo 9770 –F dated 19th August, 1983 and submit that being a Khalashi, a Group – D staff, such transfer orders are deviation from Government Notification. Mr. Chakraborty submits that the Memo 175-F(P) dated 9th January, 2014 as relied by the respondent authority while transferring the applicant is not valid and applicable in this case. Attention is also drawn to an order of the respondent authority dated 31.03.2015. Mr. Chakraborty argues that by this order, though the applicant was transferred to his home district in Bankura but was at the cost of his foregoing the service seniority. The applicant sacrificed his seniority to be posted in home district. Now, by this impugned order dated 20th December, 2024 disregarding the order of 31st march, 2015, the applicant has been transferred to a place which is 600 kilometres away from his hometown.

Having heard the submissions of the applicant side and considering that such a

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transfer appears to be a punishment for the applicant, a Group – D staff, the Tribunal stays the operation of the transfer order issued in Memo 5159 dated 20th December, 2024. Such interim direction will remain in force till final outcome of the matter.

Let the matter appear under the heading “For Orders” on 21.04.2025.

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

A.K.P/H.S.