

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. –OA 799 OF 2023

KAUSIK BHAUMIK - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. D. K. Saha, Ms. D. Das, Advocates
<u>2</u> 25.01.2024	For the State Respondents	:	Mrs. S. Agarwal, 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 parties, the case is taken up for consideration sitting singly.

By an order dated 05.12.2023, issued by the Additional Director, Directorate of Textiles, Handloom Spinning Mills, Silk Wearing & Handloom Based Handicraft Division, this applicant, Kaushik Bhowmick, T.O. (Tex) was transferred from Development Office (Handloom), Malda to Development Office (Handloom), Coochbehar. Aggrieved by such transfer order, the applicant furnished representations before the respondent authority citing the reason of looking after his aged parents and his wife and a minor child. The representations not being responded favourably, the applicant filed this application in this Tribunal.

Having heard the submissions of the learned counsels and perusing the records in this application, the Tribunal is of the opinion that such transfer is part of an employee's service life and he is under obligation to comply. Further, the reasons stated for setting aside the transfer order do not have any merit. This Tribunal is also guided by a judgement of the Hon'ble Apex Court in 2004 (11) SCC 402 in State of U. P. and Others -Vs- Gobardhan Lal. The relevant part of the judgement is as under:

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".....7. It is too late in the day for any government seroant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power, an order of transfer cannot likely be interfered with as a matter of course or routine....."

Relying on the judgement of the Apex Court in the above case and having considered the facts and circumstances of the case, the Tribunal is of the view that it was a routine transfer without any prejudice or mala fide intention against this employee. Therefore, this application, having no merit, is disposed of without passing any order.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.