

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 815 OF 2023

SUPRIYA SARKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.

and

Date of
order

For the Applicant

: Mr. G.P. Banerjee,
Mrs. Sunita Agarwal,
Advocates

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17.01.2024

For the State Respondents

: Mr. M.N. Roy,
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 09.10.2023, issued by the Chief Conservator of Forests, South West Circle, this applicant, Supriya Sarkar, as a Forest Ranger along with three other officers were transferred. The applicant was transferred from Kangsabati South Division to Extention Forestry Division. By a supplementary order dated 01.12.2023, the Divisional Forest Officer, Kangsabati South Division directed the applicant to hand over the charge to one Anupam Gantait, a trainee Forest Ranger. In terms of such direction, Anupam Gantait assumed the charge of Barabazar Range on 11.12.2023. Aggrieved by such transfer order, the applicant furnished a detailed representation before the Chief Conservator of Forest, South West Circle citing the reason of his son's education at Barabazar Hospital. The representation also informs about his son's medical treatment at Jamshedpur. The representation not being responded favourably, the applicant filed this application in this Tribunal. In this application, besides citing his own ailment, the applicant is also unhappy with the direction to hand over his charge to Anupam Gantait, a trainee officer.

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Having heard the submissions of the learned counsels and perusing the records in this application, the Tribunal is of the opinion that compliance to such transfer order is the inherent obligation of the employee. Moreover, grounds for cancellation of such order of the respondent authorities 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:

".....7. It is too late in the day for any government servant 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 normal transfer without any prejudice or mala fide intention. It is also the prerogative of the respondent authority to decide to whom his charge of office be handed over. Therefore, this application, having no merit, is disposed of without passing any order.

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

SCN.