

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 – 96 of 2025

Kush Mandi - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	: Mr. K. Bhattacharya,
and		Mrs. S. Agarwal,
Date of order		Learned Advocates.
<u>1</u>		
17.02.2025	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.

The applicant has filed this application being aggrieved by two transfer orders issued in his name. Mr. Bhattacharya, learned counsel has submitted that the applicant along with others on promotion from the post of UDA to the Head Clerk has been transferred from the office of D.I./S(SE), Purba Bardhaman to the office of the Principal, Govt. General Degree College, Mangalkote by the Memo 1656-A dated 29/10/2024. As a corrigendum to the original order, another transfer order by Memo 1669-A dated 05/11/2024 was issued, by which the applicant has now been transferred to the office of the Principal, DIET Burdwan, Memari. Submission is that the applicant due to personal reasons is not in a position to stay away from his present place of residence at Burdwan Town. He is ready to forego such promotion and continue to serve in his capacity as UDA in the office of DI/S(SE), Purba Bardhaman.

The Tribunal has heard the submission and also finds that in both the transferred orders, there is a noting meant for the employees that “refusal to accept the offer of promotion, his/her promotion may be treated as cancelled.” The Tribunal after hearing the submissions is of the view that the applicant is willing to forego his promotion and continue his duties in the same place of posting as mentioned above. Liberty is given to him to file a representation before the Director of Public Instructions ventilating his prayer for continuation in the same place after not accepting his promotion to the post of Head Clerk. Let such prayer be made before the Director of Public Instructions within a period of thirty days from today. If such prayer is made before him, the respondent no. 2, the Director of Public Instructions is advised to consider the representation and take decision as per prevalent norms and rules within thirty days

ORDER SHEET

Form No.

Kush Mandi

Vs.

Case No. **OA – 96 of 2025**

THE STATE OF WEST BENGAL & ORS.

from the date of submission of such representation.

Accordingly, this application is disposed of.

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

A.K.P.