

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 12 OF 2025

SUBHASIS BARIK - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Saurav Bhattacharjee, Learned Advocate
	For the State Respondents	:	Mr. Asoke Kumar Das Sinha, Learned Advocate

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07.08.2025

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.

The prayer in this application is for a direction to the respondent authorities to cancel the detailment order dated 19.12.2024 and allow the applicant to resume his duty at his original place of posting at Bhasra Sub-Centre under Keshiary RH, Paschim Medinipur.

The applicant, Subhasis Barik, a Health Assistant (General), appointed on 26.11.1999, joined at Chhurimara Sub-Centre under Belpahari BPHC, under the Chief Medical Officer of Health, Paschim Medinipur. On 02.09.2009 he was transferred from Chhurimara Sub-Centre to Bhasra Sub-Centre under Keshiary BPHC where he joined on 08.12.2009. On 05.05.2012 he was directed to work at Nachipur SC under the same BPHC. By a direction of the BMOH, Keshiary on 06.01.2022 he joined Keshiary RH and again by another direction, on 25.01.2024, he joined at Ganasarisha HWC. On 19.12.2024, by another direction, he was withdrawn from Ganasarisha and detailed at Murakata Sub-Centre under the BMOH, Keshiary, Paschim Medinipur.

The learned counsel for the applicant submits that but, due to sudden transfer, he is suffering from various difficulties in concentrating in his duties. The applicant made a representation on 27.12.2024 before the BMOH, Keshiary RH to accept his joining at Bhasra Sub-Centre, under the Keshiary BPHC. Being aggrieved by the detailment order issued by the BMOH, Keshiary RH, Paschim

ORDER SHEET

Form No.

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Medinipur, the applicant approached the Tribunal.

The Hon'ble Supreme Court in (2004) 11 SCC 402 : *State of U.P. & Others versus Gobardhan Lal* held “transfer is prerogative of the authorities concerned and court should not normally interfere therewith, except when (i) transfer order shown to be vitiated by mala fides or (ii) in violation of any statutory provision or (iii) having been passed by an authority not competent to pass such an order”. At para 7, the Hon'ble Court also held that “transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service”.

After examination of the records, the Tribunal finds no district has been changed since the date of appointment of the government employee. Since 08.12.2009, the applicant has been “withdrawn and detailed” from time to time from one sub-centre to another sub-centre under the same Block Medical Officer of Health. It is neither an outcome of mala fide, nor violative of any statutory provision issued by a competent authority. In view of the judgement of the Hon'ble Apex Court in Gobardhan Lal (supra), the Tribunal is not inclined to interfere in this matter of transfer. The applicant is directed to comply with the order dated 19.12.2024, issued by the authority and join the new place of posting at Murakata Sub-Centre under the BMOH, Keshiary, Paschim Medinipur. The respondent No.8, the BMOH, Keshiary RH, Paschim Medinipur is directed to accept his joining letter and allow him to join.

The application is disposed of.

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

SCN.