

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 125 OF 2022

KEKA KARAN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr.Manujendra Narayan Roy Advocate
<u>03</u> 08.04.2022	For the State respondents	:	Mr.Sankha Ghosh Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Keka Karan, the applicant has prayed for certain reliefs, the relevant portion of which is as under:

“ (a) An order do issue thereby setting-aside / quashing the impugned transfer order being Order no. HNG/9T-4-2012/Part-II/1469 dated, Kolkata, the 09.11.2021, and subsequent release orders being Release Order Number MSVP/SSKM/NE/6694 dated 12.11.2021 to this instant original application.

(b) An order do issue thereby setting-aside / quashing the impugned transfer order being Order no. HNG/9T-4-2012/Part-II/1469 dated, Kolkata, the 09.11.2021, and subsequent release orders being Release Order Number MSVP/SSKM/NE/6694 dated 12.11.2021 to this instant original application and after setting aside direct the concerned respondent authorities to allow your applicant to resume her duties as Staff Nurse Grade-II at IPGME&R, SSKM Hospital or any other hospital near to her residence preferably at Vidyasagar S.G.Hospital, Behala

Vs.

Case No. : **OA 125 OF 2022**

THE STATE OF WEST BENGAL & ORS.

immediately.

(c) An order do issue thereby directing the respondent authorities to dispose of the representation dated 16.11.2021 made before them by passing a reasoned and speaking order to be communicated upon your applicant after giving an opportunity of hearing within a stipulated time period.”

It appears that the applicant joined as a Staff Nurse on 22nd March, 1999 in West Bengal Nursing Service, Department of Health and Family Welfare and lastly she was posted and working as Staff Nurse Grade-II at IPGME&R SSKM Hospital.

In this application, as evident from the reliefs prayed for, the applicant has challenged the transfer order dated 9th November, 2021 transferring her to Binpur RH, Jhargram on the ground that she has been repeatedly transferred as the applicant has been vocal on certain issues. It is submitted by Mr.M.N.Roy, learned advocate for the applicant though the applicant has challenged the transfer order, however for ends of justice, the respondents may be directed to consider the representation dated 16th November, 2021 addressed to the Secretary, Department of Health and Family Welfare, Government of West Bengal and the Director of Health Services, Department of Health and Family Welfare, Government of West Bengal, the respondent nos. 1 and 2 respectively.

Mr.S.Ghosh, learned advocate appearing on behalf of the State respondents denying the allegations in the Original application submits that transfer is a part of the service career of an employee. Previously she was posted at Vidyasagar State General Hospital, Behala and thereafter, she was transferred to IPGME&R, SSKM Hospital which is also in Kolkata and now

Form No.

KEKA KARAN

Vs.

Case No. : **OA 125 OF 2022**

THE STATE OF WEST BENGAL & ORS.

she has been transferred to Binpur Rural Hospital, Jhargram. Relying on the judgement passed by the Supreme Court in (2004) 11 SCC 402 : State of Uttar Pradesh and Others vs. Gobardhan Lal, it is submitted that that the Original application is without merit.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case and as prayed for on behalf of the applicant, the original application is disposed of by directing the Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no.1 to dispose of the representation dated 16th November, 2021, being Annexure-F to the application, by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN

BLR