

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- 137 of 2023

Serial No. and Date of order	Nepal Chandra Prodhan For the Applicant	:	VERSUS – The State of West Bengal & Ors.. Mr. S. Bhattacharjee, Ms. Shukla, Learned Advocates.
<u>03</u> 15.05.2023	For the State Respondents	:	Mr. S.N. Ray, Learned 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 learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the transfer order as well as release order issued on 08.02.2023 from Murshidabad to Midnapore by Manager, Home for Lunatic Vagrants, Murshidabad with a direction to the applicant to join his new place of posting at Midnapore. The applicant was earlier posted in Murshidabad as Group-D in Home for Lunatic Vagrants, Murshidabad.

Submission of Mr. Bhattacharjee is that as per prevailing norms, no Group-D employee is to be transferred outside more than 20 kms. of his residence. In this case, the applicant's residence is at Kandi, Murshidabad. Mr. Bhattacharjee submits that a copy of Memorandum No. 326 dated 28.02.2002 issued by Health & Family Welfare Department. The Guideline for transfer of Group-D employees states that "In all cases of transfer of Group-D employees, the posting should be restricted within 20 kms. range from his normal place of residence".

Since Midnapore is more than 250 kms. from Kandi, Murshidabad, this transfer order and release order is violation of the

Memorandum quoted above.

Submission of Mr. Ray is that this Memorandum is not applicable to the applicant since he has been promoted to the post of Helper vide order dated 17.10.2005. Moreover, this Memorandum is for employees of Health & Family Welfare Department, not Social Welfare Department to which the applicant belongs.

Mr. Ray prays for accommodation to which other learned counsels have no objection.

Let the matter appear on **09.10.2023** under the heading “For Orders”.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)