

**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 179 OF 2024**

**DR. BANIBRATA ACHARYA - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and Date of order	For the Applicant	: Mr. Goutam Pathak Banerjee Ms. Aishwarya Pathak Banerjee Advocates
<u>01</u> 22.04.2024	For the State Respondents	: Mr. Subit Kumar Mondal 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 23<sup>rd</sup> 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 contesting parties, the case is taken up for consideration sitting singly.

By filing this application, the applicant has prayed for a direction to the respondent authorities to modify the impugned transfer order dated 07.03.2024 and post him in or around Purba Bardhaman District.

The Department of Health and Family Welfare has issued a combined transfer list on 07.03.2024 in which this applicant, a Doctor has been transferred from Katwa, Purba Bardhaman to Balurghat District Hospital, Dakshin Dinajpur. It is suffice to say that transfers are an integral part of service and it is the obligation of the employee to comply with such transfer order. The only ground given by the applicant for modification of such transfer order is medical condition. Nowhere in the application the applicant has whispered any ill feeling or vindictive action on part of the respondents as punishment given to the applicant. It appears to be a routine administrative transfer order and no malice seems to have been shown by the respondent authorities.

This application is, therefore, disposed of without passing any

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orders, but by citing the relevant para of the order passed by the Hon'ble Supreme Court in Gobardhan Lal Vs. State of U.P. and Others reported in (2004) 11 Supreme Court Cases 402. The relevant para is as under:

*“This Court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, unless, shown to be vitiated by mala fide or is made in violation of any statutory provision. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the courts or Tribunals.”*

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

BLR