

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

**Case No. - OA 224 of 2021**

**JANAJIT CHAKRABORTY - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicants	: Mr. M. N. Roy, Advocate
<u>4</u> 22.03.2021	For the Respondents	: Mr. G.P. Banerjee, Advocate

The matter is taken up by the single Bench pursuant to the notification no.949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

In this application, Janajit Chakraborty, the applicant, presently posted as Senior Lecturer, DIET, Howrah, has challenged the order dated 23<sup>rd</sup> February, 2021 issued by the Director, State Council of Educational Research & Training, West Bengal, Kolkata, the respondent no.2, transferring the applicant to Coochbehar on the ground that the respondent no.2 does not have the jurisdiction to issue the order of transfer. In this regard Mr. M.N. Roy, learned advocate for the applicant has relied on the notification dated 29<sup>th</sup> December / 30<sup>th</sup> December, 2005, issued by the Principal Secretary.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents, relying on the memorandum dated 29<sup>th</sup> January, 2013, submits that on and from the said date as the Director, State Council of Educational Research & Training, West Bengal, Kolkata, the respondent no.2 has been vested with academic and administrative responsibilities, the order of transfer is just, proper and legal which is also evident from the order dated 11<sup>th</sup> July, 2017 issued by the said respondent transferring the applicant, then a Senior Lecturer of the second campus of DIET, to Howrah, having the same designation, which he had accepted. Therefore, as the Director, since 29<sup>th</sup> January, 2013 has the power to

**ORDER SHEET**

Form No.

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issue an order of transfer, no order may be passed with regard to the order of transfer as it is legal. Let a copy of the memorandum dated 29<sup>th</sup> January, 2013 filed be kept on record.

SCN. Perusing the memorandum dated 29<sup>th</sup> January, 2013 since I find that the respondent no.2 has been vested with administrative responsibilities, the order dated 23<sup>rd</sup> February, 2021 is just, proper and legal.

Mr. Roy submits that since the applicant is the only child and has to look after his mother, liberty may be granted for filing a representation after he joins the post.

Mr. Banerjee, submits that if representation is filed and if directed, the authorities will consider the matter in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances afresh before the respondent no.2 along with a copy of this order downloaded from the internet / website, within four weeks after he joins the post as Senior Lecturer, DIET, Coochbehar, pursuant to the order dated 23<sup>rd</sup> February, 2021, and if such representation is filed within the time as stipulated, it will be disposed by the said respondent no.2 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