

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 225 of 2021

MANISHA HALDER - 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 24th 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, Manisha Halder, the applicant, presently posted as Senior Lecturer, DIET, North 24 Parganas, has challenged the order dated 23rd February, 2021 issued by the Director, State Council of Educational Research & Training, West Bengal, Kolkata, the respondent no.2, transferring her to Jalpaiguri on the ground that the said respondent 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 a notification dated 29th December / 30th 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 29th 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. Let a copy of the memorandum dated 29th January, 2013 filed be kept on record.

Perusing the memorandum dated 29th January, 2013 since I find that the respondent no.2 has been vested with administrative responsibilities, the order

ORDER SHEET

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dated 23rd February, 2021 is just, proper and legal.

SCN.

Subsequently, Mr. Roy submits that since the applicant is suffering from severe pain in both knees (Osteoarthritis) and lower spine and a representation dated 25th February, 2021 has been submitted before the authorities, the same may be directed to be considered after she joins the post to which Mr. Banerjee does not object.

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 her grievances before the respondent no.2 along with a copy of this order downloaded from the internet / website, within four weeks after she joins the post as Senior Lecturer, DIET, Jalpaiguri, pursuant to the order dated 23rd February, 2021, and if such representation is filed within the time as stipulated, it shall be disposed by the said respondent no.2 sympathetically considering the matter and 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