

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN.

Case No. – OA 252 of 2021.

SRI PRASENJIT DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Chowdhury, Miss T. Pandey, Advocates.
<u>2</u> 5.4.2021	For the State 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.

Let affidavit of service filed be kept on record.

As prayed for on behalf of the applicant, leave granted to amend the cause title so far as it relates to the State respondent no. 1.

Since despite service of notice none appears on behalf of the State respondents, Mr.G. P. Banerjee, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the original application be served on Mr. Banerjee, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

In this application Prasenjit Das, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

*"I. ....An order setting aside and/or quashing the order impugned dated ..... under signed by the Secretary, Department of Health & Family Welfare, Government of West Bengal on the grounds stated herein.*

*II. An order directing the respondent authorities specially to the Director of Health Service, respondent no. 2 herein this application to issue an Order of Transfer in favour of the present applicant as ACMOH (Sadar), Paschim Midnapore by quashing the*

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*transfer order dated 22.09.2020 vide Memo No. HF/O/HS/(MA)/1046/HPT/32M-86-19 issued by the department of Health and Family Welfare, Health Service (Medical Administration) Branch, Swasthya Bhawan....”.*

In this application, the applicant has challenged the notification dated 22<sup>nd</sup> September, 2020 transferring the applicant, presently posted as BMOH, Kewakole RH, Paschim Medinipur to ACMOH, Jalpaiguri on promotion, on several grounds. The applicant has stated that since he is disabled to the extent of 45 percent and since his wife, an Assistant Professor & H.O.D., Department of History(U.G) is attached to Raja Narendralal Khan Women’s College and has a four year old daughter, the impugned order passed pursuant to the order dated 25<sup>th</sup> November, 2020 in OA 398 of 2020 be quashed.

It is submitted by Mr. S. Chowdhury, learned advocate for the applicant on instruction that his client is prepared to join at Jalpaiguri and a direction may be issued upon the respondent to consider his representation for retransfer which may be filed after joining the transferred post.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that if the applicant files representation after joining at Jalpaiguri, the respondent authorities will consider the same in accordance with law.

Having heard the learned advocates for the parties, since it is submitted by the learned advocate for the applicant on instruction that his client is prepared to join at Jalpaiguri, in view of such submission, the application is disposed of by granting liberty to the applicant to join the post at Jalpaiguri on promotion. After joining on promotion, as prayed for, the applicant is at liberty to file representation ventilating

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his grievances before the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, - the respondent no. 1, within four weeks. If representation is filed, same shall be disposed of by the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, - the respondent no. 1 by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing to the applicant and after verifying the records and after considering the case sympathetically.

(SOUMITRA PAL)  
CHAIRMAN

Skg.