

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 381 of 2023.

NIRJHAR MONDAL - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

04  
14.3.2024.

For the Applicant : Mr. S. Bhattacharya,  
Learned Advocates.

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 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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order dated 11.05.2023 passed by the Director of Social Welfare. The impugned order No. 218 dated 10.02.2023 is the transfer order of Block Welfare Officers from their place of posting to other places. The applicant appearing at serial No. 22, has been transferred to Coochbehar from Kulpi, South 24-Parganas District. This impugned order has a total list of 29 Block Welfare Officers. On the last date of hearing, Mr. Auddy had pleaded for cancellation of such order on grounds of medical and family issues.

Mr. S.N. Ray, submits that this transfer order is a routine administrative transfer and there are no ill-feeling against the applicant.

Having heard the submissions of the learned counsels, it is the finding of this Tribunal that being transferred from one station to another station is an integral part of the employees' service. By such transfer, the status of the applicant has not been down graded. It is not a valid ground given by the applicant that his transfer to another place in Coochbehar is a punishment given by the respondent authorities.

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THE STATE OF WEST BENGAL & ORS.

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The Hon'ble Supreme Court in (2004) 11 Supreme Court Cases 402 in STATE OF U.P. AND OTHERS- VERSUS- GOBARDHAN LAL has been categorically made it clear that transfers are part of an employee's service life and the following words “ .....*Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service...*” . “...*This Court has often reiterated that the order of transfer made even in transgression of administrative guideline cannot also be interfered with.....challenge to an order of transfer should normally be eschewed and should not be countenanced by the courts or tribunal.*”

This Tribunal did not find any malafide intention or an abuse of power by the respondent authority in transferring this applicant from Kulpi, South 24-Parganas District to Coochbahar.

Thus, having found no merit in the prayers, this application is disposed of without passing any orders.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A).

Sk.