

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 426 of 2024.

RUMPA DAS - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

01
23.09.2024

For the Applicant : Ms. R. Mukherjee,
Advocate.
For the State Respondents : Mrs. S. Bandyopadhyay,
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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

In terms of direction of this Tribunal in OA 254 of 2024 dated 22.07.2024, the Respondent authorities were directed to consider the representation of the applicant for transfer to her home town – Dakshin Dinajpur. The applicant is Health Assistant (Female) presently posted in the district of Murshidabad. In terms of such a direction, the Respondent authorities considered her application but found her ineligible for such transfer for the reason that she had completed only two years of service, whereas for such consideration, minimum three years service is required.

Mrs. S. Bandyopadhyay, learned counsel for the State respondents has submitted that presently no vacancy is available for the post of Health Assistant (Female) in the district of Dakshin Dinajpur. She also feels this application is not maintainable due to res judicata.

Ms. Mukherjee, learned counsel for the applicant, however, disagrees and feels that this is a new cause of action. She also submits that as per information shared by the applicant, there is a vacancy in the post of Health Assistant (Female) and more such vacancies are likely to occur in near future.

Having heard the submissions of learned counsels of both sides, this application is disposed of by directing the Respondent no. 3 - Deputy Director of Health Services (Nursing) to consider the transfer prayer of the applicant in the

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district of Dakshin Dinajpur, sympathetically whenever such a vacancy occurs if the applicant is otherwise eligible.

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

HS/Skg.

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