

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 453 of 2022.

AMAL KRISHNA ROY–VS-THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. K. Basu, Mr. S. Banerjee, Mr. N. Pal, Advocates.
<u>3</u> 2.8.2022	For the State Respondents	: Mrs. R. Sarkar, Mr. S. Deb Roy, Departmental representatives.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Affidavit of service filed today be kept on record.

Heard Mr. K. Basu, learned advocate for the applicant and Mrs. R. Sarkar, departmental representative of the Land and Land Reforms Department.

The matter is admitted. Let reply be filed by 18th August, 2022. Rejoinder, if any, by 26th August, 2022. Matter to appear under the heading “For Orders” on 30th August, 2022.

So far as the prayer for interim order is concerned, it is submitted by Mr. Basu that as it is evident from the pleadings in paragraphs (XVII), (XVIII) and (XIX) that the order of transfer is actuated by malice, interim order staying the order of transfer, as prayed for, may be passed.

Mrs. R. Sarkar, the departmental representative, L & L.R. department submits since the applicant has been released and a new incumbent has joined, no interim order may be passed. Moreover, the applicant is posted in the said post for the past five years.

So far as the prayer for interim order is concerned, in view of the submission made in paragraphs (XVII), (XVIII) and (XIX), I am of the view

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that a prima facie case has been made out for passing an interim order. Therefore, let there be an interim order staying the operation of transfer order dated 8th July, 2022 and the release order dated 13th July, 2022 till 2nd September, 2022 or until further order, whichever is earlier.

(SOUMITRA PAL)
CHAIRMAN.

Skg.