

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.

Case No. –OA 453 of 2022

Amal Krishna Roy. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: None.
<u>08</u> 19.05.2023	For the State Respondents	: Ms. R. Sarkar, Mr. S. Debray, Mrs. A. Bhattacharya, Departmental Representatives.

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

On 12.05.2023, when the matter was heard none had appeared on behalf of the applicant and Mr. G. P. Banerjee, learned counsel had prayed for accommodation on behalf of the applicant. Today, none has appeared on behalf of the applicant but Mr. M. N. Roy, learned counsel appearing on behalf of the learned advocate on record for the applicant prays for accommodation which is opposed by the Departmental Representatives.

This matter was heard by the Hon'ble High Court and an order passed in WPST 108 of 2022, the relevant part of the order is as under :-

“We are of the view that the Tribunal has failed to appreciate that an order of transfer should not be interfered with unless it finds that either the order is *mala fide* or the Rules governing the service prohibit such transfer.

So, the impugned order passed by the Tribunal dated 02.08.2022 suffers from illegality, irrationality which warrants the interference of this Court.

Thus, the writ petition is allowed.

Accordingly, the impugned order dated 02.08.2022 passed by the Tribunal in O.A. 453 of 2022 is hereby set aside.

The Respondent is hereby directed to join his new place of posting immediately.”

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Submission of the learned Departmental Representatives is that the Hon'ble High Court has already considered and passed an order in this matter. Therefore, the question of seeking accommodation today as well as on the last occasion is not relevant.

So, it is very clear from the order of the Hon'ble High Court that the interim order has been vacated and the applicant was directed to join in the new place of posting immediately. The learned Departmental Representatives files a copy of the joining letter. It appears from this copy that Amal Krishna Roy, the applicant has joined as SRO-II & Asst. LAO, Cooch Behar on 15.03.2023. Submission of the learned Departmental Representatives is that this application has become infructuous. Since the transfer order has already been implemented by the direction of the Hon'ble High Court, therefore, no order be passed in this application.

In view of the above facts and submissions, this application, challenging the transfer order, has become infructuous.

Therefore, the application is disposed of.

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

S.M. / H.S.