

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 470 of 2024.

SHRI SATYAKI BANERJEE - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

01
05.11.2024

For the Applicant : Mr. G.P. Banerjee,
Advocate.
For the State Respondents : Mr. M.N. Roy,
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.

Affidavit of service filed today be kept on record.

The applicant has prayed for setting aside the impugned transfer order dated 11th September, 2024. This impugned order was issued by the State Commandant, W.B. National Volunteer Force Directorate, Kalyani transferring the applicant Assistant Company Commander (GD & Trg) from West Bengal National Volunteer Force Training Centre, Halisahar to West Bengal National Volunteer Force, District Battalion, Murshidabad.

Mr. Banerjee appearing on behalf of the applicant submits that the applicant was transferred to Halisahar very recently on 12.07.2024. By transferring him once again within the period of two months, the Respondent authority has shown arbitrariness and prejudice against the applicant. Such hasty transfer back and forth has not only inconvenienced the applicant and his family but is also misuse of power on part of the Respondent authorities.

Mr. Roy, learned counsel however disagrees and submits that the applicant being a member of uniformed force should always be ready and willing to comply with the directions of his superiors. The transfers were neither arbitrary action nor was intended as a malice towards the applicant.

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-Vs-

Case No. OA 470 of 2024.

THE STATE OF WEST BENGAL & ORS.

Mr. Banerjee prays for consideration of the applicant's representation filed before the Inspector General of Police & State Commandant, WBNVF Directorate, Kalynai, Nadia dated 13.9.2024 and further prays for staying the operation of the transfer order dated 11.9.2024. Mr. Roy vehemently opposes such an interim order.

Having heard the submissions and considering the facts and circumstances of the case, this Tribunal is satisfied with the prayer of the applicant for an interim order and thus directs the Inspector General of Police and State Commandant, West Bengal National Volunteer Force Directorate, Kalyani, - the respondent no. 2 not to give effect or further effect to the transfer order dated 11.09.2024 in respect of the applicant till disposal of this case in the Tribunal.

The matter is admitted.

Let reply, if so wished be filed by the next date and a copy be served upon the other side and let the matter appear under the heading "For Orders" on 11.3.2025.

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

Sk.