

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present- *

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA-48 of 2024

Amalita Khanra -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. M.N. Roy,
Ld. Advocate.

For the State Respondent : Mr. G.P. Banerjee,
Ld. Advocate.

01
08.02.2024

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.

Affidavit of service filed be kept on record.

By filing this application, the applicant has prayed for setting aside the impugned order dated 09.01.2024. By this order, the applicant, belonging to the WBF&SS of batch 2009 was transferred from the present place of posting as Deputy Director (LDTR) to Malda as ADCF&S. Aggrieved by such a transfer, she furnished a representation before the Departmental Secretary on 11.01.2024. In the representation, besides stating Malda being far away from her residence, the applicant has also expressed her unhappiness since all her other batch-mates of 2009 batch are posted not below the rank of District Controller of Food & Supplies. She felt humiliated not only because her batch-mates have been promoted even junior batches of 2010 and 2011 have also been posted in the rank of DCF&S. It is also submitted that the applicant has not been getting her salary since November 2023.

In response to the submission made by Mr. Roy, Mr. Banerjee, learned counsel for the State respondents submits that such transfers are incidental to the service of an employee and the respondent authorities have the discretion to issue such transfer order in the larger interest of public.

Since it is not clear as to why the applicant belonging to the 2009 batch has been posted to Cooch Behar as Assistant District Controller of Food & Supplies when her junior batches have been promoted and when it is also not clear why she has not been paid her salary since November 2023, it is the direction of this Tribunal to the respondent authorities not to execute the transfer order dated 09.01.2024. Such interim order restraining the

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respondents from executing the transfer order will stay in force till final outcome of this application. In the meantime, let the respondent authorities file a report by the next date. Let the copy of the report also be served upon the other side, and if served, and if so wished, let rejoinder also be filed by the next date.

The matter is admitted.

Let the matter appear under the heading "**Hearing**" on **18.04.2024**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)