

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 485 of 2022.

SUBHAS MONDAL AND SIX OTHERS -Versus- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. M.N. Roy, Mr. G. Halder, Advocates.
<u>3</u> 10.8.2022	For the State Respondents	: Mrs. S. Agarwal, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application the applicants, who are Group 'A' Officers in the West Bengal Subordinate Education Services have challenged the transfer order dated 22nd July, 2022 issued by the Commissioner of School Education, West Bengal, being annexure 'E' to the application. Mr. M.N. Roy, learned advocate for the applicants submits that the short point is that the Governor of West Bengal is the appointing/disciplinary authority of the applicants and his power has been delegated to the Principal Secretary, School Education Department, Government of West Bengal. However further relegation of the said power bestowed upon him on the Commissioner of School Education Department is illegal and unjustified.

Mrs. S. Agarwal, learned advocate for the State respondents submits that she will take instruction regarding the submission made on behalf of the applicants.

So far as the prayer for interim order is concerned, relying on paragraph 5(iv) of the application it is submitted by Mr. Roy that since relegation of power is illegal, interim order as prayed for may be passed, which is opposed by Mrs. S. Agarwal, learned advocate for the State respondents.

In view of ground 5(iv), let there be an interim order restraining the

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respondents not to give effect to the order of transfer dated 22nd July, 2022 in respect of the seven applicants till 22nd August, 2022 or until further orders, whichever is earlier. Since the issue involved is a question of law, let the matter appear under the heading "Admission Hearing" on 18th August, 2022. Reply, if any, in the meantime.

(SOUMITRA PAL)
CHAIRMAN.

Skg.

WEST BENGAL ADMINISTRATIVE TRIBUNAL