

**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 554 of 2023**

**Dr. Keka Mukhopadhyay -- VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. S. Ghosh, Mr. A. Mitra, Ld. Advocates.
<u>01</u> 17.08.2023	For the State respondent	: Mr. G.P. Banerjee, Ld. 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Today, this matter appears in the Supplementary Cause List upon mentioning by the learned counsel for the applicant under the heading “Admission Hearing”.

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.

The prayer in this application is for setting aside the transfer order issued by the respondent authority on 04.08.2023. This group transfer order issued by the Department of Health & Family Welfare transfers Medical Officers from their respective places of posting to other places under the same Department. In this transfer order, the applicant has been transferred from the present place of posting as Deputy CMOH-III, Paschim Bardhaman at Durgapur to Rampurhat HD, Birbhum in the capacity of Deputy CMOH-IV.

Aggrieved by such transfer order, the applicant mailed a representation to the respondent authorities mentioning about her personal difficulties if she is transferred to a new place of posting. By an order dated 08.08.2023, the CMOH, Asansol HD issued the release order upon the applicant directing her to join her new place of posting at Rampurhat, Birbhum. The same respondent issued another order on the same date. Further, attention is drawn to another memo. no. 3924 dated 08.08.2023, which appears to be a reference to the application filed by the applicant in this Tribunal. Mr. Roy relies on the judgment of the Hon'ble High Court in the case of Dr. Haripada Poddar v.

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S.R. Das, Secy. To the Govt. of W.B. reported in 1969 SCC OnLine Cal 205 : 1970 Lab IC 930 in paragraph 12, 13, 14 and 18 and another order of the Tribunal in OA 118 of 2020 (Dr. Manas Konar & Ors. v. The State of W.B. & Ors.) passed on 10.03.2021. Submission of Mr. Roy is that the applicant in this application is similarly circumstanced to the applicants of the above cases and, therefore, the Tribunal may pass an order setting aside the transfer order. In response to the submissions of the applicant, Mr. Banerjee submits that the release order was not a vindictive response to the application filed by the applicant in this Tribunal. As it is clear from the communication, the applicant was released before the information of having filed such an application was received by the respondent. Therefore, it has no connection as to the application in this Tribunal with her release order.

Heard the learned counsels, the matter is admitted.

Let the matter appear under the heading “**For Orders**” on **12.09.2023.**

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS