ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mr. Sayeed Ahmed Baba, Member(A)

Case No. – <u>OA 603 of 2022</u> Subrata Kumar Sen - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order

For the Applicant

: Mr. M. N. Roy,

Learned Advocate.

 $\frac{03}{22.09.2022}$

For the State Respondent

: Mr. S. Ghosh,

Learned Advocate.

In this application, the prayer is for setting aside the Memo No. 965-SE (Law)(A/SE)5S-02/2022 dated 16.08.2022. Earlier, the Tribunal had directed the respondents to consider the application for transfer to places of choice by the applicant. In compliance with the Tribunal's direction, the Principal Secretary passed a reasoned order dated 16.08.2022 considering the application for posting in and around Kolkata or his place of his residence in Howrah, subject to vacancy. Thereafter, an order of transfer was issued on 07.09.2022 transferring the applicant from Purba Medinipur to Kolkata in the post of Additional District Inspector of Schools (PE).

Mr. M.N. Roy, learned counsel for the applicant submits although his application for transfer to Kolkata is considered, but the post of Additional District Inspector of Schools (PE) is not in conformity with his application. Therefore, Mr. Roy submits that either the impugned transfer order of 07.09.2022 be modified and re-issued as per the choice of posting given by the applicant or allow the applicant to continue in the present post of Additional District Inspector of Schools (PE), Purba Medinipur.

Mr. Ghosh, representing the state authorities submits that the respondents has issued the transfer order for the applicant to be posted as per his wish to Kolkata. But, appointment against a specific designation is the sole discretion of the respondent which was exercised with due diligence. It may be appreciated that the transfer application of the

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applicant to in and around Kolkata was considered. However, as a Government employee, he does not have the right to choose any particular post or designation.

Mr. Ghosh, prays for an adjournment so that he will take instruction from the respondents and submit a reply by the next date.

The matter is admitted.

Let the matter appear under the heading "For Orders" on 20.12.2022.

SAYEED AHMED BABA MEMBER (A)

H.S