

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 67 OF 2022

MAUSUMI BERA (MANDAL) - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and

Date of order

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25.02.2022

For the Applicant

: Mr. Subhabrata Chowdhury,
Advocate

For Respondents

: Mr. Sankha Ghosh,
Mr. Gourav Halder,
Advocates

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

Let affidavit of service filed today be kept on record.

Yesterday, that is, on 24th February, 2022 the matter was mentioned for early hearing and prayer was allowed. Since the applicant is under an order of transfer, as evident from page 27 of the application, Registry has placed the matter today under the heading "Admission Hearing".

Mr. Subhabrata Chowdhury, learned advocate on behalf of the applicant, referring to the order dated 23rd February, 2022, submits that the order passed on that date be recalled as the matter may become infructuous since the applicant has to join at the transferred post by 27th February, 2022 which is not opposed by Mr. Sankha Ghosh, learned advocate for the State respondent appearing along with Mr. Gourav Halder, learned advocate.

Perused the order dated 23rd February, 2022 by which the matter was directed to appear under the heading "Admission Hearing" on 2nd March, 2022.

In view of such submission the order passed on 23rd February, 2022 directing the matter appear under the heading "Admission Hearing" on 2nd March, 2022, is recalled and the matter is taken up for hearing.

In this application, Mausumi Bera (Mandal), the applicant, has prayed for the several reliefs, the relevant portion of which is as under:-

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- “(a) An order directing the respondents specially the respondent no.2 herein to review and rescind back the order dated 27.01.2022 thereby cancelling the order of transfer of your applicant who has not applied for any such transfer and also in view of the fact that she had only been posted to her present place of posting by the order of the same authority just on 24.12.2021;
- (b) An order setting aside the impugned order dated 27.01.2022 thereby cancelling the transfer of your applicant in terms of the principles of natural justice;”

It appears that on 3rd November, 2014 the applicant joined as L.D.C. By order dated 23rd December, 2021, the Director of Agriculture and Ex-Officio Secretary, Directorate of Agriculture, Kolkata, the respondent no. 2 (ii) confirmed the applicant in the L.D.C. cadre and transferred him on promotion from the post of L.D.C. at Assistant D.A. (Administration), Tamluk, Purba Medinipur to the post of U.D.C. at the office of Deputy Director of Agriculture (Administration), Tamluk, Purba Medinipur. The applicant pursuant to the promotion reported to her place of posting and joined on 24th December, 2021.

Grievance of the applicant is that by order dated 27th January, 2022 the respondent no.2(ii) has transferred the applicant from the office of Assistant D.A. (Administration), Tamluk, Purba Medinipur to the office of Deputy Director of Agriculture (Administration), Purba Medinipur at Panskura. According to the applicant since the applicant has to look after her mother, who is 85 years old and the applicant is an orthopaedic patient, the order transferring her from Tamluk to Panskura may be quashed. Though a representation dated 3rd February, 2022, ventilating her grievances, was furnished before the respondent no.2(ii), it has not been considered. Aggrieved, this application has been filed. Submission is while functioning as L.D.C. at Tamluk the applicant was promoted to the post of U.D.C.

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and was posted at Tamluk and as within a month, she has been transferred to Panskura, the order of transfer may be set aside.

Mr. Ghosh, submits that the applicant has not made out a case that the transfer is arbitrary, malafide and illegal. The applicant posted at Tamluk has been transferred to Panskura which is hardly 30 kilometres away.

At this stage, Mr. Chowdhury, on instruction from the applicant submits that his client is willing to join at the transferred post. However, a direction may be issued on the respondent no. 2(ii) to consider the representation dated 3rd February, 2022 after she joins the transferred post.

Having heard the learned advocates for the parties and in view of the submission made on instruction on behalf of the applicant, the application is disposed of by granting liberty to the applicant to join the transferred post in the office of the Deputy Director of Agriculture (Administration), Panskura, Purba Medinipur as stipulated in the office order dated 27th January, 2022. If the applicant joins the transferred post, within a fortnight thereafter the Director of Agriculture and Ex-Officio Secretary, Directorate of Agriculture, Kolkata, the respondent no. 2 (ii) shall dispose of the said representation by passing a reasoned order to be communicated to the parties within four weeks after giving an opportunity of hearing and after verifying the records.

SCN.

(SOUMITRA PAL)
CHAIRMAN