

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

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

Case No. –OA 674 of 2021

*Kanailal Dey* - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. G.P. Banerjee,  
and Mr. G. Halder,  
Date of order Advocates.

05  
11.04.2022

For the State Respondent : Mr. M.N. Roy,  
Mr. S.K. Mondal,  
Advocates.

In this application, Kanailal Dey, the applicant, posted as DI/S(PE), Cooch Behar has challenged the transfer order dated 26<sup>th</sup> July, 2021 transferring him as ADI/S(SE), Durgapur Sub-Division, Paschim Bardhaman and consequential release order, if any, issued in his name. It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that the issue herein is covered by the judgment delivered on 14<sup>th</sup> March, 2022 passed in OA-85 of 2022 (Deb Narayan Seth –vs- The State of West Bengal & Others).

Heard Mr. M.N. Roy, learned advocate for the State respondents.

Admittedly, the issue is covered by the judgment in Deb Narayan Seth –vs- The State of West Bengal & Others wherein it has, inter alia, been held as under :

*“Since the Governor has delegated his power regarding transfer on the Principal Secretary, the question is whether a delegatee has the power to further delegate his power on the Commissioner. Since it is a settled principle of law that a delegatee cannot delegate his power, the answer has to be in the negative. This borne out by the fact that the Deputy Secretary to the Government of West Bengal by the order of the Governor on 15<sup>th</sup> June, 2018 had issued a notification regarding promotion of thirty-two Assistant Inspector of Schools as evident from annexure- ‘A’ to the application.*

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*Accordingly, the memo dated 26<sup>th</sup> July, 2021 relating to serial no. 9, that is the applicant, is set aside and quashed. Consequently, the reasoned order dated 10<sup>th</sup> February, 2022 issued by the Principal Secretary, School Education Department, being annexure 'E' to the application is also set aside and quashed. The application is allowed."*

Since the issue is covered by the judgment delivered in Deb Narayan Seth (Supra), the transfer order dated 26<sup>th</sup> July, 2021 relating to serial no. 9, that is, the applicant, is set aside and quashed. Consequential release order, if any, is also set aside and quashed. The application is allowed.

**(SAYEED AHMED BABA)**  
**Member (A)**

**(SOUMITRA PAL)**  
**CHAIRMAN**

CSM/SS