

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA- 75 of 2024

Saktipada Dalai & Ors. - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Learned Advocate

02
23.07.2024.

For the State Respondents Mr. S.N. Ray,
Mrs. Sonali Mitra,
Learned Advocates.

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 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The following submissions of the learned counsels were recorded during the hearing on 29.03.2024 :-

The applicants in this application have prayed for setting aside the transfer order issued vide No. 71 dated 06.02.2024 issued by the Divisional Forest Officer, South 24 Parganas Division.

Submission of Mr. G.P. Banerjee, learned counsel for the applicants is that the Divisional Forest Officer is not the authority to issue any transfer orders for Casual Labourers (CDL). He draws attention to a Memo No. 6536 dated 14.09.2016 issued by the Chief Conservator of Forests, which is, "I have been directed to inform that in case of transfer of packaged CDL, Principal Chief Conservator of Forest will issue no order as per existing rules and orders in vogue". It is not understood whether the applicants whose names are mentioned in the transfer order are Casual Daily Labourer or not. Such word, CDL is not seen rather abbreviations BS, FG, AS are mentioned against their names.

Submitting on behalf of the State respondents, Mrs. S.Mitra, learned counsel disagrees with Mr. Banerjee and submits that the Divisional Forest Officer is the competent official to issue such transfer orders. Further, she refers to the same order dated 14.09.2016 of the

ORDER SHEET

Form No.

Saktipada Dalai & Ors

Vs.

Case No **OA- 75 of 2024**

THE STATE OF WEST BENGAL & OTHERS.

Chief Conservator of Forests and submits that the order does not disallow the Divisional Forest Officer to issue the transfer order of the applicants. She prefers to file a reply in this matter on the next date.

Though no reply has been filed by the respondent authorities but hearing this matter again today the Tribunal is of the observation that it should not willy nilly interfere into the administrative matters of the respondent authorities. The core issue agitated by the applicants is that the Divisional Forest Officer is not the competent authority to issue transfers orders to these applicants. From reading of the transfer order, it is clear to the Tribunal that the Divisional Forest Officer effected this transfers within his jurisdiction, which is South 24 Parganas Division. For instance, one Saktipada Dolui, AS has been transferred from Bakkhali Range to Namkhana Range. Similarly, all others names in this transfer order have been transferred from one place to another place but within the same Division-South 24 Parganas. Another document which was referred to by the learned counsels during the last day of hearing is a Memo 6536 dated 14.09.2016. This two lines correspondence addressed by the Chief Conservator of Forests informs that henceforth “transfer of packaged CDL, Principal Chief Conservator of Forests will issue no order.....” From this cryptic order, the Tribunal understands that the Chief Conservator of Forests being at the Apex position will not involve himself with the routine transfers of these Casual/Daily Labourers which come under the domain with the respective Divisional Forest Officer.

The Tribunal after hearing the submissions do not find any imprudence on part of the Divisional Forest Officer to have issued such transfer orders to the applicants. Further as pointed out earlier, the Tribunal desists itself from interfering into the routine administrative matters of the respondent authorities. The Tribunal also did not find any

ORDER SHEET

Form No.

Saktipada Dalai & Ors

Vs.

Case No **OA- 75 of 2024**

THE STATE OF WEST BENGAL & OTHERS.

malice and prejudice against the applicants by such transfer. The Tribunal trusts the administrative decisions were made keeping in view the larger interest of public service. Accordingly, the application is disposed of without passing any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

sc