

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 773 of 2023.

SANKAR PRASAD DEY - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

04
14.3.2024.

For the Applicant : Mr. A.K. Maity,
Learned Advocate.
For the State Respondents : Mrs. S. Agarwal,
Learned 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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed, be kept with the record.

The applicant has prayed for setting aside the transfer order dated 09.10.2023. By this order the applicant has been transferred from Kolkata Technical College to Hili Govt. Polytechnic, Dakshin Dinajpur. Mr. Maity submits that such transfer order was an arbitrary act to malign and punish the applicant for having raised some internal matters which was not liked by the authorities.

Mrs. Agarwal, however submits that this transfer order is a routine administrative transfer order and there was no ill-feeling against the applicant. Further the applicant has already been released from the post on 06.12.2023 and he is expected to join his new post shortly.

Having heard the submissions of the learned counsels, it is the finding of this Tribunal that being transferred from one station to another station is an integral part of the employees' service. By such transfer, the status of the applicant has not been down graded. It is not a valid ground given by the applicant that his transfer to another college in Dakshin Dinajpur is a punishment given by the respondent

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authorities. The Hon'ble Supreme Court in (2004) 11 Supreme Court Cases 402 in STATE OF U.P. AND OTHERS- VERSUS- GOBARDHAN LAL has been categorically made it clear that transfers are part of an employee's service life and the following words "*Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service...*" .
"*...This Court has often reiterated that the order of transfer made even in transgression of administrative guideline cannot also be interfered with.....challenge to an order of transfer should normally be eschewed and should not be countenanced by the courts or tribunal.*"

This Tribunal did not find any malafide intention or an abuse of power by the respondent authority in transferring this applicant from Calcutta Technical School to Hili Government Polytechnic, Dakshin Dinajpur. Therefore, this application having no merit is dismissed without any orders.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.