

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 828 OF 2023**

DR. KEKA MUKHOPADHYAY - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicants : Mr.Manujendra Narayan Ray
Advocates

01
29.01.2024

For the State Respondents : Mr.Goutam Pathak Banerjee
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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to consider her representation dated 22.11.2023. In terms of a direction passed by this Tribunal in OA-554 of 2023 and MA-75 of 2023, the respondent, Senior Special Secretary (HS), Department of Health and Family Welfare considered the representation and passed a reasoned order dated 09.10.2023. The applicant had prayed for reconsidering her transfer from Paschim Bardhaman to Rampurhat, Birbhum. Though she joined the new place of posting, but due to her family problems she has prayed for a suitable posting near her home town, Durgapur. In the reasoned order, the respondent authority after consideration of representation regrets such prayer presently due to dearth of Medical Personnel, but assures the applicant that her prayer will be considered sympathetically when such a situation arises.

Mr.M.N.Roy, leaned counsel draws attention to an order of the Department dated 25.02.2004. This order speaks about posting on transfer of employees nearest to their respective home if such an

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employee is the “(ii) Legal Guardian of the dependant physically or mentally handicapped”. Submission is that the applicant, as a sister has to take care of her brother look who is 75 % handicapped (mentally retarded) living with her at her home, Durgapur.

Heard the learned counsels. The matter is admitted.

Let the matter appear under the heading ‘Hearing’ on 13th June, 2024. Reply, rejoinder, if any, in the meantime.

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

BLR