## **ORDER SHEET**

## WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata - 700 091.

Present: HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN &

HON'BLE SAYEED AHMED BABA,

ADMINISTRATIVE MEMBER.

Case No. – OA 839 of 2021.

DR. SUBHENDU MAITI – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order

For the Applicant

: Mr. B.P. Roy,

Mr. M.K. Putatunda,

Advocates.

 $\frac{2}{25.1.2022}$ 

For the State

: None.

Respondents

Let affidavit of service filed be kept on record.

Despite service of notice, none appears on behalf of the respondents.

In this application Dr. Subhendu Maiti, Associate Professor and at present posted at Government General Degree College, Singur, has prayed for certain reliefs, the relevant portion of which is as under:-

"a) An order, calling upon the respondents for asking them to show cause as to why this Hon'ble Tribunal will not kindly declare, the order No. 1895/Edu(A)/6T-11/10 dated Kolkata 3<sup>rd</sup> December, 2019, transferring applicant from the Moulana Azad College, Kolkata to Government General Degree College, Singur, is bad in law and need be quashed for further periods and they will not be restrained from keeping the applicant posted there,

And

Also show cause as to why the respondents will not be directed to post the applicant to his own chosen place as per his prayers dated 21.08.2018, 16.08.2019, 05.11.2019 and 11.12.2020 after

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> restraining them from giving any further effect of the order dated 03.12.2019 and if on perusing of the records and hearing the parties, it is found that they failed to show any reasonable causes or shown all unreasonable causes, to make it absolute

- b) An order for declaring that the respondents are no more entitled to compel the applicant to remain posted at Singur and they are not entitled to give further effect of the said transfer order dated 03.12.2019
- c) An order directing the respondents to forthwith post the applicant to his own chosen place at Sahid Matangini Hazra Government for women, as per his applications dated 21.08.2018, 16.08.2019, 05.11.2019 and 11.12.2020, duly recommended by an authority, as per transfer policy framed by State vide G.O. No. 583 Edu(A) dated 15.06.2012, having statutory force...".

It is submitted by Mr. M.K. Putatunda that though the applicant pursuant to the transfer order dated 3<sup>rd</sup> December, 2019 has joined the transferred post at Singur, however, considering the difficulties faced by him as spelt out in the representations annexed to the original application, appropriate order may be passed for posting him at a college of his choice. Submission is the respondents may be directed to consider the representations filed.

Since the applicant has joined the transferred post at Singur, as prayed for by Mr. Putatunda, the application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances before the Director of Public Instruction, - the respondent no.

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2(iii), along with a copy of this order, within four weeks from date. If representation is filed, the said respondent shall dispose of the same by passing a reasoned order, to be communicated to the applicant, within fifteen weeks after giving an opportunity of hearing and after verifying the records.

(SAYEED AHMED BABA) MEMBER(A) (SOUMITRA PAL) CHAIRMAN.

Skg.