

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 907 of 2021.

DR. NIRMAL KUMAR SANA – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. K.P. Mukhopadhyay, Advocate.
<u>3</u> 14.3.2022	For the State Respondents	: Mr. G.P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In this application Dr. Nirmal Kumar Sana, the applicant has prayed for several reliefs, the relevant portion of which is as under :-

“a) To direct the respondent no. 5 - The Deputy Director of Health Services (Administration), West Bengal and other concerned Respondents to take necessary steps for changing the applicants place of posting to any existing vacancy with zone “C” in the same capacity, by immediate implementing the reasoned order dated 16.11.2021, of the Director of Health Services, Govt. of West Bengal..”

It appears earlier the applicant had moved the Tribunal by filing an application being OA 593 of 2021, challenging his order of transfer dated 2nd August, 2021 transferring him to ADHS to DDHS (North Bengal Zone), Uttar Kanya on promotion which after hearing the learned advocates for the parties was disposed of on 10th September, 2021 by directing the Director of Health Services, Department of Health and Family Welfare to dispose of the representation by passing a reasoned order to be communicated to the parties after giving an opportunity of hearing and after making necessary enquiry.

It appears pursuant to the said order the Director of Health

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Services, - the respondent no. 4 had passed an order on 16th November, 2021, the relevant portion of which is as under :-

*“.....**And, whereas, Dr. Sana has already complied his transfer order on promotion and joined at Uttarkanya on 16.8.2021. So there is no scope of modification of the said transfer order;***

Now, therefore, after considering the entire gamut of the situation, the transfer prayer of Dr. Nirmal Sana, as per notification issued by the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training), Government of India dated 15.02.1991 stated above, is accepted as a special case. Accordingly, the Deputy Director of Health Services (Administration), West Bengal is directed to take necessary steps for changing his place of posting to any existing vacancy within Zone ‘C’ in the same capacity...”.

Mr. K.P. Mukhopadhyay, learned advocate for the applicant prays that the direction be issued upon the respondents to implement order passed on 16th November, 2021.

Mr. G.P. Banerjee, learned advocate for the State respondents does not oppose the said prayer.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, as the respondent no. 4 have accepted that the issue of the applicant as a “Special Case”, considering the said fact the application is disposed of by directing the Deputy Director of Health Services (Administration) West Bengal , - the respondent no. 5, to issue necessary orders for changing the place of posting of the applicant to any existing vacancy within zone ‘C’ in the same capacity within eight weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal.

Sk.

(SOUMITRA PAL)
CHAIRMAN.

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