

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. –OA-325 of 2024

Dr. Subhendu Maiti. -- **VERSUS** – The State of West Bengal & Others.

Serial No.
and
Date of order
07
07.08.2025

For the Applicant : Mr. S. Mandal,
Learned counsel.

For the State Respondents : Mr. G. P. Banerjee,
Learned counsel.

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 prayer in this application is for setting aside the impugned reasoned order passed on 16.08.2022 by the Director of Public Instruction. In terms of the direction of this Tribunal in OA-839 of 2022, such a reasoned order was passed for consideration of the representation of the applicant praying for transfer. The applicant is a Lecturer presently posted at Government General Degree College, Singur, Hooghly. By a Notification No. 1895 dated 03.12.2019, the applicant along with five other of his colleagues were transferred. The applicant earlier posted at Moulana Azad College, Kolkata was transferred to Government General Degree College, Singur, Hooghly. On 03.01.2020 Dr. Maiti complied with the transfer order and joined his new place of posting in the college at Singur, Hooghly.

From the records, it is evident that the applicant has again approached this Tribunal praying for the same issue of his transfer. This Tribunal had heard his prayer and an order was passed on 25.01.2022 in OA-839 of 2021. The relevant part of this Tribunal's order in OA-839 of 2021 is as under :-

“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. 2(iii), along

Form No.

Case No. **OA-325 of 2024.**

Vs.

The State of West Bengal & Ors.

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.”

In terms of such a direction, the respondent authority, the Director of Public Instruction, West Bengal passed the reasoned order contained in Memo. 254L dated 16.08.2022. The reasoned order elaborately recorded the transfer policy and posting history of this applicant and came to the conclusion that his prayer for transfer to Government colleges, “Sahid Matangini Hazra Government College for Women, near Nimtauri, Purba Medinipur” or “Haldia Government College, Haldia, Purba Medinipur” are not acceptable. The Tribunal had again heard the applicant’s case and properly examined all the records, including his representation before the respondent authorities. After such examination, the Tribunal is not satisfied with the grounds praying for such transfer. In his representation, he has mentioned that he suffers from “Dizziness frequently”. Dizziness cannot be accepted as a serious medical situation. It is clear to this Tribunal that this applicant is bent on persisting with his mission for a transfer near home, Purba Medinipur. It is not to be forgotten that Hon’ble Supreme Court in various judgements has discouraged Courts and Tribunals from interfering in transfer matters. It has observed in the State of U.P. & Others-Vs.-Gobardhan Lal case recorded in (2004) 11 Supreme Court Case 402 is as under :

“7. It is too late in the day for any government servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service.

8. A challenge to an order of transfer should normally be eschewed

ORDER SHEET

Dr. Subhendu Maiti.

Form No.

Case No. **OA-325 of 2024.**

Vs.

The State of West Bengal & Ors.

and should not be countenanced by the courts or tribunals.”

The respondent authorities are very much within their right to transfer their employees in the larger interest of public service.

Thus, this application is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.