

ORDER SHEET

West Bengal Administrative Tribunal

Present.-

The Hon'ble Justice Ranjit Kumar Bag

&

The Hon'ble Dr. Subesh Kumar Das

Case No. **MA 132 of 2018 (OA 864 of 2016)**

Amit Kumar Mukhopadhyay & Ors.

Versus

The State of West Bengal & Ors.

Serial No. and  
date of order

Order of the Tribunal  
with signature

Office action with date  
and dated signature of  
parties when necessary.

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03  
24/07/2019

**For the Applicant**

: Mr. S. Bhattacharjee,  
Ld. Advocate.

**For the State Respondent :** N O N E.

The applicants have prayed for an interim order restraining the respondents from giving effect or further effect of notification dated July 06, 2018 issued by the Joint Secretary to the Government of West Bengal, Department of Women and Child Development and Social Welfare, by which 48 Assistant Child Development Project Officers (in short, A.C.D.P.Os) working in I.C.D.S. Project in one place were directed to hold the additional charge of D.D.O. in the capacity of Child Development Project Officer (in short, C.D.P.O.) in charge of another place under I.C.D.S. Project.

None appears on behalf of the respondents inspite of service of notice on the advocate on record for the respondents of the original application being OA-864/2016.

It appears from the impugned notification under challenge in the Miscellaneous Application that 48 A.C.D.P.Os have been directed to take over additional charge of C.D.P.O. for discharge of duty of D.D.O. in I.C.D.S. Project of another place, though 53 A.C.D.P.Os have challenged the said notification. This anomaly has

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	<p>not been clarified by Learned Counsel for the applicants.</p> <p>It is contended on behalf of the applicants that by issuing one G.O. dated August 22, 2003, Ministry of Human Resources Development, Department of Women and Child Development, Government of India has laid down guidelines for reducing 20% staff of I.C.D.S. Projects under I.C.D.S. scheme. The said G.O. of the Central Government dated August 22, 2003 provides that either one A.C.D.P.O. or one C.D.P.O. will remain in charge of the project where both the posts are in existence. The tenor of the said G.O. points out that whenever vacancy will arise in the post of either C.D.P.O. or A.C.D.P.O. in any I.C.D.S. project, only one post will be filled up and other vacant post will be abolished. Mr. S. Bhattacharjee, Learned Counsel appearing for the applicants contends that 48 A.C.D.P.Os working in different I.C.D.S. projects have been transferred from one place to another place as A.C.D.P.Os, for discharge of duty of C.D.P.O. in charge and D.D.O. of another I.C.D.S. project. According to Mr. Bhattacharjee, this order of transfer of A.C.D.P.Os by notification dated July 06, 2018 is in violation of the guidelines given by the Government of India on August 22, 2003 and as such the operation of the notification dated July 06, 2018 may be stayed till the hearing of the original application (OA 864 of 2016).</p>	

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	<p>None appears on behalf of the respondents. 53 applicants working as Acting C.D.P.Os filed the original application (OA 864 of 2016) praying for restraining the state respondents from issuing any order of reversion from the post of C.D.P.Os of different I.C.D.S. projects without issuing appropriate order in terms of revised staff pattern notified by Government of India on August 22, 2003. On close scrutiny of the G.O. dated August 22, 2003, we find that Government of India has issued the guidelines for reducing the expenditure under I.C.D.S. scheme by gradually reducing 20% of the existing staff under the said I.C.D.S. scheme. The said G.O. has given the guidelines that one C.D.P.O. or one A.C.D.P.O. will function in one I.C.D.S. project. By notification dated July 06, 2018, A.C.D.P.O.s have been directed to take over additional charge of A.C.D.P.Os in another I.C.D.S. project' for discharging the duties of D.D.Os as Acting C.D.P.Os. There is nothing on record to indicate that the A.C.D.P.Os who have been directed to take additional charge of A.C.D.P.Os in another I.C.D.S. project will have to function under C.D.P.Os. On the contrary, what transpires from the said notification dated July 06, 2018 is that the said A.C.D.P.Os will discharge the duty in the capacity of the C.D.P.O. in charge of I.C.D.S. project in another place and also will function as D.D.O. of the said I.C.D.S. project. The object of order of transfer of A.C.D.P.O. by notification dated July 06, 2018 is to ensure discharge of function of C.D.P.O. of another</p>	

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	<p>I.C.D.S. project for discharge of duty of D.D.Os in addition to discharge of duty of A.C.D.P.Os in the place of transfer under another I.C.D.S. project. Accordingly, we are unable to accept the contention made on behalf of the applicants that the notification dated July 06, 2018 has not been issued by following the guidelines given by the Government of India on August 22, 2003. The guidelines of the Government of India are advisory in nature, and the same can not have any binding effect on the State Government. The logical inference of our above observation is that the state respondents cannot be restrained from giving effect to the order of transfer of 48 A.C.D.P.Os by notification dated July 06, 2018 as prayed for.</p> <p>The interim order is, thus, refused. MA-132 of 2018, thus, stands <b>disposed of</b>.</p> <p>Let an <b>urgent Xerox Certified Copy</b> of the order be supplied to both parties on priority basis, subject to fulfillment of legal formalities.</p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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