

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal.
& The Hon'ble Mr. P. Ramesh Kumar .

Case No. OA 1024 of 2017.

ANWAR HOSSAIN – VS- THE STATE OF WEST BENGAL & ORS.

| Serial No. and Date of order. 1 | Order of the Tribunal with signature 2 | Office action with date and dated signature of parties when necessary 3 |
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| <p>8</p> <hr/> <p>02.08.2018.</p> | <p>For the Applicant : Mrs. S. Mitra , Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>As prayed, leave granted to amend the cause title with regard to Respondent no.3 in page 3 of the application.</p> <p>In this application the applicant who had joined in the service on 23rd May, 2014 and posted as Group “D” Basic Grade Peon and have been confirmed and made permanent with effect from 23rd May, 2017 in terms of Rule 5(1)(b) of the West Bengal Services (Appointment, Probation, & Confirmation) Rules, 1979, has challenged the order of transfer dated 1st November, 2017, being annexure “D” of the application, transferring him to Coochbehar.</p> <p>It is submitted by Mrs. S. Mitra, learned advocate for the applicant that in view of memo dated 8th February, 1978 and memorandum dated 4th January, 1982 issued by the Joint Secretary to the Government of West Bengal wherein it has been stipulated that as far as</p> | |

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| | <p>possible Group "D" employees should be retained in their original place of posting, though the Government retains the right to transfer them considering the exigencies of public service, the impugned order of transfer may be set aside.</p> <p>Heard learned advocate for the applicant and the State Respondents. It is an established proposition of law that transfer is a part of one's service career. Moreover transfer can be made in public interest. Therefore, the order of transfer cannot be interfered with. Hence the applicant shall join the place of posting at Cooch Behar in terms of the order dated 1st November, 2017.</p> <p>After order is dictated Mrs. Mitra submits that direction may be issued on the respondents for considering the representation dated 6th February, 2017. In view of the submission made, after the applicant joins the present place of posting at Cooch Behar, the Joint Secretary to the Government of West Bengal, Department of Panchayet and Rural Development, the Respondent no. 3, shall dispose of the representation</p> | |

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| Skg. | <p>dated 6th February, 2017 by passing a reasoned order to be communicated to the applicant within four weeks after giving an opportunity of hearing and after verifying the records.</p> <p>(P. Ramesh Kumar) Member (A).</p> <p>(Soumitra Pal) Chairman.</p> | |