

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

Hon'ble Justice Soumitra Pal,
Hon'ble Mr. P. Ramesh Kumar,

Hon'ble Chairman &
Administrative Member.

CASE NO. OA 1027 of 2019.

ARUP KUMAR DAS – VS- THE STATE OF W.B. & 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
<p>2 16.1.2020.</p>	<p>For the Applicant : Mr. B.K. Halder, Mr. I. Halder, Advocates.</p> <p>For the State Respondent : Mr. S.N. Ray, Advocate.</p> <p>For the Principal Accountant General (A & E) W.B. : Mr. B. Mitra, Departmental representative.</p> <p>Affidavit of service filed today be kept on record.</p> <p>On the prayer of Mr. B.K. Halder, learned advocate for the applicant, let Principal Accountant General (A & E) West Bengal be expunged from the array of respondents in course of this day.</p> <p>In this application Arup Kumar Das, the applicant, now posted as Medical Officer (Orthopaedics) at Singur Trauma Care Centre, Hooghly has challenged the order of transfer dated 9th December, 2019 transferring him to Domkol SDH, Murshidabad as Medical Officer (Orthopaedics) on several grounds. It is submitted by Mr. Halder that as the applicant was transferred on 18th June, 2019 from T.L. Jaiswal S.G. Hospital to Kalna S.D. Hospital, Purba Burdwan and thereafter again on</p>	

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	<p>22nd July, 2019 was transferred from Kalna Sub Divisional Hospital to Singur Rural Hospital, the Notification dated 9th December, 2019 transferring him to Domkol SDH Hospital and consequent release order dated 20th December, 2019 are highhanded and illegal.</p> <p>Mr. S.N. Ray, learned advocate appearing on behalf of the State respondents submits that since the transfer order dated 9th December, 2019 was issued in public interest and thereafter the applicant has been released by the order dated 20th December, 2019 and as it is within the parameters of the transfer policy as stipulated in memorandum dated 9th November, 2011, no interim order may be passed.</p> <p>Heard Mr. Halder and Mr. Ray.</p> <p>Since we find that in a space of about six months, the applicant has been transferred thrice, we find that a prima facie case has been made out for passing an interim order. Therefore let there be an interim order staying the Notification dated 9th December, 2019 and the release order dated 20th December, 2019 till 18th May, 2020 without prejudice to the rights and contention of the parties subject to further order that may be passed.</p>	

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Skg.	<p style="text-align: center;">Let reply be filed by 28th February, 2020. Rejoinder, if any, by 16th March, 2020. Matter to appear under the heading "Reply/Rejoinder and Objection" on 18th March, 2020.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p style="text-align: right;">(Soumitra Pal) Chairman.</p>	