

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 112 of 2019.

TANUSREE DATTA – 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
<p>1 14.2.2019.</p>	<p>For the Applicant : Mr. M.N. Roy , Advocate.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>Though the matter has appeared under the heading “New Application”, it is submitted by Mr. M.N. Roy, learned advocate for the applicant that the matter may be taken up for hearing which Mr. S. Ghosh, learned advocate for the State respondent in his usual fairness does not oppose.</p> <p>In this application the applicant, a Staff Nurse, Grade –II at Jirangacha RH, South 24-Parganas has challenged the order of transfer dated 5th February, 2019 issued by the Director of Health Services, Government of West Bengal- the respondent no. 2 transferring her to Habibpur RH, Malda on the ground that as she is having strained relations with her husband, who is also posted at Habibpur RH, Malda, the transfer order may be set aside.</p> <p>It is submitted by Mr. Roy for the applicant that as she is having strained relations with her husband</p>	

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	<p>and as a Matrimonial Suit 61 of 2019 has been filed before the Learned Additional District Judge, Basirhat and she is having three year old daughter, the transfer order may be set aside. Submission is the respondent no. 2 may be directed to consider the representation dated 7th February, 2019, which will speak for itself. On a query it is submitted by Mr. Roy that the applicant is not averse to get transferred. However, it would be beneficial if she is transferred and posted either at Howrah or at Hooghly or at North or at South 24-Parganas, except Malda.</p> <p>Mr. Ghosh, submits that in view of the facts as submitted by Mr. Roy, if directed, the Director of Health Services will consider the representation in accordance with law.</p> <p>Having heard the learned advocates for the parties, since the applicant has been transferred to Habibpur RH, Malda where her husband is posted with whom she is having strained relations and as matrimonial suit is pending and she is having three year old daughter, considering such fact the order of transfer dated 5th February, 2019, appearing against serial number 506, stands set aside and quashed. Accordingly, the Director</p>	

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Skg.	<p>of Health Services, Government of West Bengal – the respondent no. 2 is directed to consider and dispose of the representation filed on 7th February, 2019, being annexure “C” to the original application, by passing a reasoned order to be communicated to the parties after giving an opportunity of hearing within ten weeks from the date of presentation of a copy of this order. If it is found that the applicant requires to be transferred, the Director of Health Services, is at liberty to transfer her either to Howrah or Hooghly or North or South 24-Parganas, except Malda.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	