

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Justice Soumitra Pal, Chairman  
& The Hon'ble Dr. Subesh Kumar Das, Administrative Member

Case No – **OA 115 OF 2020**

**Debasish Mondal** 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
06 27.07.2020	<p>For the Applicant : Mr. S.N. Ray, Advocate.</p> <p>For the Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>In this application, Debasish Mondal, the applicant, has prayed for certain orders, the relevant portion of which is as under :</p> <p style="text-align: center;"><b>“(a) An order quashing and setting aside the impugned order of transfer transferring the applicant to Alipurduar which is Annexure “F” to this application and the release order which was passed on 7.2.2020 which is Annexure “J” to this application and further directing the respondents to allow the applicant to work at Mankar (1) Section till completion of tenure and also to pay the applicant salaries and allowances month by month;”</b></p> <p>Mr. S.N. Ray, learned advocate appearing on behalf of the applicant submits that though all along the applicant has complied with the transfer orders, however, the instant transfer order transferring him from Damodar Head Works Division to Alipurduar Irrigation Division (LR) by notification dated 16<sup>th</sup> September, 2019</p>	

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is uncalled for and illegal. Submission is that since he has made a representation to the Joint Secretary, Irrigation and Waterways Department, Government of West Bengal, the respondent no. 2, being Annexure-G to the application, let a direction be issued to the said respondent no. 2 for considering the said representation and till it is considered and reasoned order is passed, the order of transfer may be kept in abeyance.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the state respondents submits that since it is evident by order dated 7<sup>th</sup> February, 2020, being Annexure-J to the application, the applicant has already been released and this application was affirmed on 17<sup>th</sup> February, 2020, no order may be passed. However, he is not opposed for consideration of the representation being Annexure-G to the application.

In reply Mr. S.N. Ray submits that since the prayer has been made for an interim order, appropriate interim order may be passed. On a query, Mr. Ray submits that in the event he is directed to join at the transferred post, appropriate order may be issued for consideration of the representation, being Annexure-G to the application, within a specific period.

Having heard learned advocates for the parties and considering the facts and circumstances of the case since we find that after passing of the order of transfer dated 16<sup>th</sup> September, 2019, the release order was issued on 7<sup>th</sup> February, 2020, considering the submission of the applicant in reply, this application is disposed of by directing the applicant to join at the transferred post within a fortnight from the date of communication

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of this order. After the applicant joins the post, within a week the Joint Secretary, Irrigation and Waterways Department, Government of West Bengal, the respondent no. 2, shall consider the representation being Annexure-G to the application, and shall pass a reasoned order to be communicated to the parties within three weeks after giving an opportunity of hearing.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

**( Subesh Kumar Das )**  
**MEMBER(A)**

**( Soumitra Pal )**  
**CHAIRMAN**

Sanjib