

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 1172 of 2015.

DR. SHYAMAL KUMAR BERA – 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 style="text-align: center;">6</p> <hr/> <p>3.10.2018.</p>	<p>For the Applicant : Mr. G.P. Banerjee, Advocate.</p> <p>For the State Respondent : None.</p> <p>In this application the applicant , a Medical Officer under the West Bengal Health Services cadre and posted at Uluberia Sub-divisional Hospital since August, 2004, has challenged the order of transfer dated 29th May, 2015 transferring him to the district hospital at Raiganj, Uttar Dinajpur. It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that the said order of transfer is against the memorandum dated 9th November, 2011 issued by the Department of Health and Family Welfare, Government of West Bengal and thus is whimsical and illegal. On a query it is submitted by Mr. Banerjee on instruction that his client has since joined the post at Raiganj.</p> <p>Heard Mr. Banerjee, learned advocate for the applicant. In our view the memorandum dated 9th November, 2011 does not have any statutory force. It is an established proposition of law that transfer is a part of one's service career and therefore unless it is proved to</p>	

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Skg.	<p>be arbitrary and illegal, it should not be interfered with. Hence, for the reasons as aforesaid, there is no merit in this application. The application is dismissed. The interim order passed on 9th November, 2015 is vacated.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	