

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

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No OA- 1311 OF 2016

SUCHITRA CHOWDHURY Vs. 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 style="text-align: center;"><u>12</u> 27.03.18</p>	<p>For the Applicant : Mr.A.K.Sarkar Learned Advocate</p> <p>For the Respondent : Mr.S.Ghosh Learned Advocate</p> <p>The applicant has prayed for direction upon the respondents to issue transfer order in favour of the applicant for posting at Noapara Health Sub-Centre in the district of Uttar Dinajpur and for cancellation of the transfer order dated June 27, 2016 issued by the Respondent No.3.</p> <p>The applicant is Health Assistant (Female) posted at Sariabad Sub-Centre, 2 No. Jagadishpur Gram Panchayat, Raiganj Block Primary Health Centre in the district of Uttar Dinajpur. The applicant was transferred to that post from Nakail Sub-Centre, R.N.Roy Primary Health Centre, Habibpur Block in the district of Malda on March 12, 1993. The applicant submitted application through proper channel before the Respondent No.2 for posting at Noapara Sub-Centre, 12 No. Barua Gram Panchayat under Raiganj Block Primary Health Centre in the district of Uttar Dinajpur on December 14, 2015.</p>	

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	<p>The grievance of the applicant is that the application submitted for her transfer to Noapara Sub-Centre has not been considered, though the authority has already considered application from another Health Assistant (Female) for posting at Noapara Sub-Centre by way of mutual transfer.</p> <p>Mr.S.Ghosh, Learned Counsel representing the State Respondents has produced copy of order dated April 2, 2017 issued by the Respondent No.3 on consideration of the application submitted by the applicant for transfer to Noapara Sub-Centre. Let the said order dated February 2, 2017 be kept on record. It appears from the said order that the Respondent No.3 has taken into consideration the application submitted by the present applicant for her transfer on the basis of an interim order passed by the Tribunal in connection with the present case on January 16, 2017. Since the application submitted by the applicant has already been considered by the Respondent No.3 during pendency of the present application, the applicant should not have any grievance for non-consideration of the application as contended by Learned Counsel for the applicant.</p>	

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	<p>However, on perusal of the order passed by the Respondent No.3 on February 2, 2017, we find that at present, there is no vacancy of Health Assistant (Female) at Noapara Sub-Centre. The Respondent No.3 has given direction to the Chief Medical Officer of Health, Uttar Dinajpur to make arrangement for transfer of the applicant at Noapara Sub-Centre as soon as the vacancy arises. The Respondent No.3 has also given direction to the applicant to submit application before Chief Medical Officer of Health, Uttar Dinajpur for transfer to any place nearer to her residence, if the applicant is willing to be transferred to any other place nearer to her residence, apart from Noapara Sub-centre, as the intra district transfer of Health Assistants (Female) can be done by the Chief Medical Officer of Health of the concerned district. In view of the fact that the application for transfer of the applicant has been dealt with by the Respondent No.3 during pendency of the present application by passing a reasoned order, we cannot persuade ourselves to give any further direction to the respondents in connection with the transfer of the applicant. Moreover, we do not find any reason to consider prayer for cancellation of the transfer order issued by the Respondent No.3 on June 27,</p>	

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BLR	<p>2016, particularly when the applicant has not been transferred by the said order.</p> <p>In view of our above findings, the present application stands dismissed.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K.Das) MEMBER(A)</p> <p>(R.K.Bag) MEMBER (J)</p>	