

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

**The Hon'ble Justice Soumitra Pal
& The Hon'ble Mr. P. Ramesh Kumar.**

Case No – OA 205 of 2017.

Sonali Pramanik. –Vs- 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>07 05.07.2018.</p>	<p>For the Applicant : Mr. G.P. Banerjee, Mr. Mainul Islam, Learned Advocates.</p> <p>For the State Respondent: Mr. S.N.Ray, Learned Advocate.</p> <p>In this original application, the applicant , a staff Nurse in Krishnapur Rural Hospital, Lalgola , Murshidabad has challenged the order dated 16th February, 2017 issued by the Joint Director of Health Services (Nursing) , Government of West Bengal, the Respondent No. 2 , whereby her representation for transferring her from Krishnapur Rural Hospital, the place of present posting, to a place nearer to her home at Kolkata was turned down. It is submitted that though she had joined the present place of posting on 17th March, 2015 and made representation before the said Respondent on 06th February, 2016 and on 16th June, 2016 for transferring her from the present place of posting to a place nearer to her home at Kolkata, however, those were turned down on the ground that the applicant would have to serve the present place of posting for at least three years.</p>	

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	<p>Submission is since the applicant has completed three years of service, direction may be issued on the Respondent to reconsider her case.</p> <p>Mr. Ray, Ld. Advocate appearing on behalf of the State submits that there is no dispute that the applicant was posted at the present hospital in accordance with law. According to him one can seek transfer after completion of three years and at that relevant point of time i.e. during 2016 she did not complete at least three years of posting at that place. Therefore, the stand of the Respondents in not entertaining the application for transfer is just and proper. Moreover, it is submitted that though she has completed three years of service, she has not filed any representation praying reconsideration for transfer.</p> <p>There is no dispute that the applicant has completed three years of service at the present place of posting. It is submitted on behalf of the applicant that she seeks transfer to Kolkata or a place nearer to her home at Kolkata.</p> <p>Having heard the Ld. Advocate for the parties and considering the facts and circumstances of the case, the original application is disposed of by</p>	

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Skg.	<p>granting liberty to the applicant to file a written representation ventilating her grievances before the Joint Director of Health Services (Nursing) , Swastha Bhavan, Government of West Bengal, Kolkata, Respondent No. 2 within four weeks along with a copy of the certified copy of this order. After such representation is filed, same shall be disposed of by the Respondent No. 2 by passing a reasoned order to be communicated to the parties within four weeks after giving an opportunity of hearing and after verifying the records. It is made clear that we have not gone into the merits of the matter and all points are left open to be dealt with by the Respondent No. 2. In the event, no representation is filed within the stipulated time as directed, the Respondent No. 2 will be at liberty to take steps in accordance with law.</p> <p style="text-align: center;">The application is disposed of.</p> <p style="text-align: center;">Urgent Photostat certified copy of this order, if applied for, be granted by the parties on priority basis.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p style="text-align: right;">(Soumitra Pal) Chairman</p>	

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