

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

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

Case No – OA 209 of 2018.

Nilima 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
<p>02 18.07.2018.</p>	<p>For the Applicant : Mr. Arunava Banerjee, Mrs. S. Das Gupta, Advocate.</p> <p>For the State Respondent : Mr S. Ghosh, Advocate.</p> <p>In this application, the applicant, a permanent Staff Nurse Grade –II working in Kanaipur Block Primary Health Centre has challenged the order of transfer, being memo dated 27th January, 2018, transferring her from Kanaipur Block Primary Health Centre to Arambagh SSH, Hooghly. Prayer has also been made to allow her to continue in service at Kanaipur Block Primary Health Centre, where she is presently working.</p> <p>Heard Mr. Banerjee, learned Advocate for the applicant appearing along with Mrs. S. Das Gupta, Learned Advocate and Mr. Ghosh, Learned Advocate for the State Respondents. It appears that earlier the petitioner was served with an order of transfer transferring her from Kanaipur Block Primary Health Centre to Serampur Sub Divisional Hospital, Hooghly.</p> <p>The petitioner complained that as she is ill , she is unable to do rigorous service and has prayed for</p>	

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	<p>exemption from night duty service. A Medical Board was constituted to examine her. It appears from the medical report at pages 49 to 50 of the application, that she was given relaxation for one year. It is submitted that since the State Respondents without considering her state of health and ignoring the Memo dated 22nd October, 2013 issued by the Joint Secretary to the Government of West Bengal, whereby it has been stipulated that <i>".....transfer/posting prayer on medical grounds may be considered as special case in relaxation of normal duties on the basis of views of Medical Board to be formed for the said purpose..."</i>, the order of transfer may be reconsidered by the District Authorities.</p> <p>It is submitted by Mr. S. Ghosh, Learned Advocate for the State Respondents that in the said medical report, there was a direction for reinvestigating the health of the applicant. Mr. S. Ghosh further submits, on instruction, that after the impugned Memo of transfer was issued, she has been released on 27th January, 2018. Therefore, the State Respondents do not admit the allegations made in the application, particularly the statements made in paragraph 6.8.</p> <p>Having heard the Learned Advocates for the</p>	

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Skg.	<p>parties and considering the facts and circumstances of the case, this application is disposed of by giving liberty to the applicant to join the transferred post as indicated in the memo dated 27th January, 2018. After she joins the transferred post she is at liberty to file a representation ventilating her grievances before the CMOH, Hooghly, the Respondent No. 4, annexing necessary documents, within a fortnight. If such representation is filed, the said Respondent No. 4 shall dispose of the same by passing a reasoned order to be communicated to the applicant within five weeks after giving an opportunity of hearing and after considering the report of Medical Board to be constituted in tune with the Memo dated 27th October, 2013.</p> <p>Since the application is disposed of at the stage of admission without calling upon the respondents to file reply, the allegations made therein are deemed to have been denied.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	

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