

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

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

CASE NO. OA 383 of 2020.

SHRI KENEDY RAY –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>2 16.10.2020.</p>	<p>For the Applicant : Mr. G. P. Banerjee, Advocate.</p> <p>For the State Respondent : Mr. M.N. Roy, Advocate.</p> <p>Let affidavit of service filed be kept on record.</p> <p>In this application, Kenedy Ray, the applicant, has prayed for certain reliefs, the relevant portion of which is as under :-</p> <p>“ a) A mandatory direction do issue upon the concerned respondent authorities to forthwith set aside/cancel/withdraw/rescind the impugned transfer order of the applicant dated 24.11.2016 together with the release order thereto dated 30.09.2020, being Annexure-‘B’ and ‘C’ herein, as well as to allow him to work at his present place of posting at Victoria Boys’ School, Kurseong as ‘Humanities (English) Master’ and to command them to act strictly in accordance with law;...”</p> <p>We have perused the application particularly paragraph 6(c).</p> <p>Heard Mr. Banerjee. On a query, Mr. M.N.</p>	

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	<p>Roy, learned advocate for the State respondents furnishes a copy of the order dated 13th December, 2018 passed in OA 1226 of 2016 (Bhumika Chetty & Anr – Vs- The State of West Bengal & Ors). On a query, Mr. Banerjee submits that the other applicant was, the present applicant Kennedy Ray. We find that on 13th December, 2018, an order was passed in OA 1226 of 2016, which is as under :-</p> <p style="text-align: center;">“...Mr. G.P. Banerjee, learned advocate appearing on behalf of Mr. S. Bhattacharjee learned advocate for the applicant submits on instruction that the applicant is not interested to proceed with the matter.</p> <p style="text-align: center;">In view of the submission made on behalf of the applicant, the application is dismissed as not pressed. Interim order passed on 16th December, 2016 is vacated...”.</p> <p style="text-align: center;">We find that the order of transfer dated 24th November, 2016 which has been challenged in this application, was also the subject matter in OA 1226 of 2016. We find that the withdrawal of the original application was unconditional as the applicant was not interested to proceed in the matter and accordingly, the</p>	

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Skg.	<p>application was dismissed as not pressed and the interim order passed on 16th December, 2016 was vacated. Since no leave was sought for in OA 1226 of 2016 (Bhumika Chetty & Anr – Vs- The State of West Bengal & Ors), while order was passed on 13th December, 2018 to proceed afresh, the instant application challenging the same order of transfer dated 24th November, 2016 cannot be entertained. Hence, the application is dismissed. No order as to cost.</p> <p>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.</p> <p>(Subesh Kumar Das) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	