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 61 of 2015.

DR. SANJOY BHATTACHARYA – 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
13 13.12.2018.	For the Applicant : Mr. G.C. Chakraborty, Advocate. For the State Respondent : Mr. B.P. Roy, Advocate. In this application, the applicant an Assistant Professor in the Medical College, Kolkata has challenged the notification dated 20th May, 2014 containing the transfer order transferring him to Malda Medical College, Malda. It is submitted by Mr. G.C. Chakraborty, learned advocate for the applicant that since his earlier dues have not been disbursed and though he has been transferred on promotion, as he has not been given the actual benefit of scale of pay, therefore, the order of transfer may be set aside and quashed. It is submitted that the respondent authorities should have ensured grant of service benefits, including arrear salary and updation of service book, prior to issuance of release order. Though several representations have been made, no steps have been taken. It is submitted that though transfer order has been issued, release order is yet to be issued. Aggrieved this original application has been filed.	

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	Mr. B.P. Roy, learned advocate for the respondent submits that since it is a settled position of law that transfer is a part of one's service career unless it is shown that the order is in violation of statutory rules or is arbitrary , no order may be passed. Heard Mr. Chakraborty and Mr. Roy, learned advocates for the parties. It is a settled position of law that transfer is a part of one's service career and it should not be interfered lightly. The Supreme Court in State of U.P. AND Others –Vs- Gobardhan Lal in (2004) 11 SCC 402 held that *".....It is too late in the day for any government servant to contend that one appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or rule) or passed by an authority not competent to do so, an order of transfer cannot likely be*	

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Skg.	*interfered with as a matter of course or routine for any or every type of grievance sought to be made…."* . Since in the instant case the applicant has been unable to show statutory rule in support of his case nor has been able to demonstrate that order of transfer is malafide or the authority issuing the order of transfer is not competent to pass the order, and since transfer is a part of one's service career, the application is dismissed. Interim order, if any, is vacated. No order as to costs. (P. Ramesh Kumar) (Soumitra Pal) Member(A). Chairman.	

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