

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 645 of 2016.

AJIT KUMAR BHAKTA – 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>6 19.12.2018.</p>	<p>For the Applicant : Mr. S. K. Bhattacharjee, Advocate.</p> <p>For the State Respondent : Mr. S. Ghosh, Mrs. S. Agarwal, Advocates.</p> <p>In this application, the applicant a Medical Technologist (Lab), posted at Tamluk has challenged the order of transfer, being annexure A 3 to the application transferring him from Tamluk DH to Egra SDH. It is submitted by Mr. S.K. Bhattacharjee, learned advocate for the applicant, that though he has been served with an order of transfer in the year 2016, no release order has been issued. It is also submitted that the order of transfer will cause hardship as he has to look after his ninety year old ailing mother.</p> <p>Mr. S. Ghosh, learned advocate for the State respondent submits that in view of the settled position of law that transfer is a part of one's service career and unless it is shown that the transfer order is in violation of statutory rules or is arbitrary , no order may be passed. Submission is as communication between Tamluk and Egra is good, the transfer order may not be interfered with.</p>	

ORDER SHEET

AJIT KUMAR BHAKTA.

Form No.

Vs.

STATE OF W.B. & ORS.

Case No. OA 645 of 2016.
.....

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>The Supreme Court in State of U.P. AND Others –Vs- Gobardhan Lal in (2004) 11 SCC 402 has held that transfer is an incident in the terms of appointment. It is also an essential condition of service. Unless the order of transfer is shown to be in violation of Statute provision or statutory rule or is an outcome of malafide exercise of power or passed by an authority not competent to do so, it cannot be lightly interfered with. In the instant case nothing has been shown that the order of transfer is in violation of any statutory rule or it has been exercised in a malafide manner or it has been passed by an authority not competent to do so. Hence the order of transfer requires no interference. The applicant shall join the post within a week from the date of having a copy of this order.</p> <p>As prayed for on behalf of the applicant within six weeks from the date of joining at Egra SDH, he is at liberty to file representation before the competent authority highlighting his problems. If such representation is filed, the competent authority shall dispose of the same in accordance with law by passing a reasoned order to be communicated to the applicant</p>	

ORDER SHEET

AJIT KUMAR BHAKTA.

Form No.

.....

Vs.

STATE OF W.B. & ORS.

Case No. OA 645 of 2016.

.....

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
Skg.	<p>within eight weeks after giving an opportunity of hearing and after verifying the records and after giving the matter a sympathetic consideration.</p> <p>The application is disposed of.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	