

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

Hon'ble Justice Soumitra Pal,  
Hon'ble Mr. P. Ramesh Kumar,

Hon'ble Chairman &  
Administrative Member.

**Case No. OA 677 of 2019.**

SRI TARAK UPADHYAY – VERSUS- THE STATE OF W.B. & OTHERS.

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>3 19.9.2019.</p>	<p>For the Applicant : Mr. A. Dasgupta, Mr. S. Sarkar, Advocates.</p> <p>For the State Respondent : Ms. S. Mitra, Advocate.</p> <p>Let affidavit of service filed today be kept on record.</p> <p>In this application the applicant, a chowkidar-cum-night guard, presently posted under the Executive Engineer, Contai Irrigation Division, Irrigation and Waterways Directorate, has challenged the order dated 5<sup>th</sup> August, 2019 and has prayed for certain reliefs, the relevant portion of which is as under :-</p> <p><i>“....An order be passed quashing and/or setting aside the impugned Order <u>of Transfer</u> dated 5-8-2019 and release Order dated 20-8-2019 with a direction upon the respondent authorities to consider your applicant’s prayers afresh with all consequential benefits;...”</i></p> <p>(Emphasis supplied)</p> <p>It is submitted by Mr. Dasgupta, learned advocate for the applicant that since the applicant belongs to Group D, and as the order of transfer has</p>	

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	<p>caused hardship, it may be set aside.</p> <p>Ms. S. Mitra, learned advocate appearing on behalf of the State respondents, referring to the impugned order dated 5<sup>th</sup> August, 2019 submits that the applicant has been detailed, which is for a limited period of time, and not transferred.</p> <p>Heard learned advocates for the parties. The impugned order dated 5<sup>th</sup> August, 2019 is as under :-</p> <p><i>“...Sri Tarak Upadhyay, Chowkidar cum Night Guard, presently posted under the Executive Engineer, Contai Irrigation Division, Irrigation &amp; Waterways Directorate, is, hereby placed at the office of the Executive Engineer, Coochbehar Irrigation Division, Irrigation &amp; Waterways Directorate on <u>detailment basis</u>, in the interest of public service, until further orders.</i></p> <p><i>This order issues in consonance with Finance Department, Audit Branch Notification no. 175-F(P) dated 09.01.2014 read with memorandum no. 307-F(P) dated 17.01.2014.....”.</i></p> <p>(Emphasis supplied)</p> <p>In this application, the applicant has challenged “the order of transfer” dated 5<sup>th</sup> August, 2019 and the subsequent “release order” dated 20<sup>th</sup> August,</p>	

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Skg.	<p>2019. Since we find that placing an employee on “detailment”, which is for a limited period, is different from transfer and as the applicant has been detailed and not transferred, as evident from the order dated 5<sup>th</sup> August, 2019 appearing at page 37 of the original application, no order is passed on the application. The application is disposed of.</p> <p>(P. Ramesh Kumar) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	