

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

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Subesh Kumar Das

Case No OA-691 OF 2015

JAYANTA KUMAR DAS Vs. 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 style="text-align: center;"><u>11</u> 19.03.18</p>	<p>For the Applicant : Mr. G.P.Banerjee Learned Advocate</p> <p>For the Respondent : Mr.S.Ghosh Learned Advocate</p> <p>The applicant has prayed for quashing of the transfer order dated April 17, 2015 issued by the Respondent No. 3 by filing this original application under Section 19 of the Administrative Tribunals Act, 1985.</p> <p>The contention of the applicant is that the applicant is working as Operator attached to Monalipur H.D.T.W. under the Respondent No. 6. The applicant was transferred from his present post to site posting under the control of the Respondent No.4 in the district of Uttar Dinajpur by the impugned transfer order which is under challenge in the present application. Mr.Banerjee, Learned Counsel representing the applicant submits that the transfer order is illegal and arbitrary for non-payment of T.A. and D.A. admissible to the applicant under the rules. He further contends that the</p>	

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	<p>transfer has not been effected in the interest of public service. The specific submission of Mr.Banerjee is that the applicant has never sought for transfer and as such the applicant cannot be deprived of T.A. and D.A. admissible to him on transfer under the rules.</p> <p>No reply is given by the State Respondents in this case. Mr.Ghosh, Learned Counsel representing the State Respondents is unable to explain why T.A. and D.A. will not be given to the applicant on transfer from one place to another place.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the impugned order of transfer, we do not find any justification under the law to deprive the applicant of T.A. and D.A. to which he is entitled on transfer under the rules. There is nothing on record to indicate that the applicant sought for transfer and thereby transfer order has been issued on the basis of prayer of the applicant. In view of our above findings, the impugned order of transfer dated Aril 17, 2015 issued by the Respondent No. 3</p>	

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BLR	<p>(Annexure-A to the original application) is set aside. The interim order stands vacated.</p> <p>With the above observation, the original application is disposed of.</p> <p>Let a plain copy of this order be supplied to both parties.</p> <p style="text-align: center;">(S.K.Das) MEMBER(A)</p> <p style="text-align: center;">(R.K.Bag) MEMBER (J)</p>	