

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 702 of 2018.

TAPASH MAJUMDER – VS- THE STATE OF W.B. & 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;">3</p> <hr/> <p>19.9.2018.</p>	<p>For the Applicant : Mrs. S. Agarwal, Mr. V. Bauri, Advocates.</p> <p>For the State Respondent : Mr. M.N. Roy, Advocate.</p> <p style="text-align: center;">Affidavit of service filed today be kept on record.</p> <p style="text-align: center;">In this application the applicant, a Head Clerk posted at the office of the Executive Engineer, Jalpaiguri Highway Division , Public Works (Roads) Directorate has challenged the order of transfer transferring him to the office of the Executive Engineer, Northern Mechanical Division, Public Works(Roads) Directorate at Siliguri on the ground that since his son is mentally challenged, as evident from the statement made in paragraph 5, and as there is nobody to look after and as representation to that effect was furnished on 6th August, 2018, appropriate order may be passed directing the respondent to cancel the order of transfer. It is submitted by Mrs. S. Agarwal, learned advocate for the applicant that in a similar matter the High Court had passed an</p>	

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	<p>order dated 27th August, 2009 in W.P.S.T. 1065 of 2008 whereby an order of the Tribunal directing the petitioner, who was posted at Howrah to join the transferred post at Alipurduar, was set aside.</p> <p>Mr. M.N. Roy, learned advocate appearing for the State respondent submits that in the instant case the applicant has been transferred from Jalpaiguri to Siliguri, a distance of about 42 Kms. According to him judgement passed by the High Court in W.P.S.T. 1065 of 2008 is not applicable as the applicant was transferred from Howrah to Alipurduar.</p> <p>Heard Mrs. Agarwal, learned advocate for the applicant and Mr. Roy, learned advocate for the State respondent. It is an admitted position that transfer is a part of the service career of a government servant. Therefore, the order of transfer dated 2nd July, 2018 is not interfered with. However within seven days of joining the post at Siliguri, the Chief Engineer (Headquarters) P.W.(Roads) Dte., Khadya Bhavan, Kolkata – respondent no. 3 shall dispose of the representation 6th August, 2018 by passing a reasoned order to be communicated to the applicant within fifteen days after considering the case of</p>	

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Skg.	<p>the applicant sympathetically uninfluenced by this order.</p> <p>Urgent Photostat certified copy of this order, if applied for, be furnished on priority basis.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	

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