

**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 730 of 2015.

**JOYNAL ABEDIN – 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>14 29.8.2018.</p>	<p>For the Applicant : Mr. S. K. Nandi, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>In this application, the applicant, who is a Sub-Inspector of Police, has prayed for a direction upon the Respondent authorities to release him forthwith from the present place of posting in view of the order of transfer dated 28<sup>th</sup> February, 2015 passed by the Deputy Inspector General of Police (Administration), West Bengal whereby the applicant was transferred from South 24-Parganas to Sealdah GRP.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State, submits that as no suitable replacement could be found , the department is not in a position to release him.</p> <p>We find that on 28<sup>th</sup> June, 2015 the Additional Director General of Police (Administration) had found that as large number of transfer orders in respect of police personnel issued by the West Bengal Police Directorate were yet to be implemented for various reasons and as some were promoted for which transfer</p>	

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	<p>orders could not be implemented, therefore by passing an order the orders of transfer were cancelled. However, that said order of cancellation was not to apply to the transfer orders issued vide this Directorate memo No. 1295 (65) Per/A dated 4<sup>th</sup> September, 2013 in respect of police personnel who have been transferred to their home districts after completion of fifteen years of service. In that order, it was mentioned that any police personnel, who feels aggrieved with the cancellation of order of transfer, were at liberty to file representation through proper channel by 15<sup>th</sup> July, 2015 with an advance copy to all units-in-charge and the proper authorities were requested to forward the said application within a period of fifteen days without fail.</p> <p>Mr. S.K. Nandy, learned advocate for the applicant submits that his client wants to get transferred to South 24-Parganas, his home district. Submission is assuming the order of transfer appearing at page 12 has been cancelled, however, in view of the difficulties faced by his client direction may be issued on the respondent no. 3 to allow him to be posted in the district of South 24-Parganas.</p> <p>Having heard the learned advocates for the</p>	

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Skg.	<p>parties and considering the facts and circumstances of this case, since we find that the order dated 19<sup>th</sup> February, 2015 transferring the applicant from South 24-Parganas to Sealdah GRP has been cancelled by order dated 28<sup>th</sup> June, 2015, considering the facts and circumstances of the case the application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances before the Deputy Inspector General of Police (Administration) – respondent no. 3, through proper channel, within four weeks. If such representation is filed, same shall be disposed of by the said respondent no. 3 by passing a reasoned order to be communicated to the parties within eight weeks after verifying the records and, if necessary, by giving an opportunity of hearing. The representation so filed shall be forwarded by the authority concerned to the Deputy Inspector General of Police (Administration) within a fortnight from the date its filing.</p> <p>(P. Ramesh Kumar) Member(A).</p>	<p>(Soumitra Pal) Chairman.</p>

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