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 75 of 2017. SANDHYA CHHATUI - VS- THE STATE OF WEST BENGAL & ORS. Office action with date Serial No. and Order of the Tribunal with signature and dated signature Date of order. 2 of parties when necessary 1 3 13 For the Applicant : Mr. S. Bhattacharya, 14.11.2018. Mr. G.K. Das, Advocates. For the State Respondent : Mr. S. N. Ray, Advocate. In this application the applicant, sister Grade-I(ii), attached to Diamond Harbour District Hospital in the district of 24-Parganas(South) has challenged the order of transfer dated 20th January, 2017 passed by the Director of Health Services & Ex-officio Secretary – Respondent no. 2(ii) transferring her and posting temporarily at Alipurduar District Hospital and to act in the same capacity until further order. It appears from the impugned order of transfer that she was deemed to have been released with effect from 24th January, 2017 and it was issued in the interest of public service. It appears that on 6th February, 2018 directions were issued to file reply and rejoinder. However, no reply has been filed. Heard Mr. Bhattacharya, learned advocate for the applicant and Mr. Ray, learned advocate for the respondent. We find that the applicant had joined Diamond Harbour District Hospital on 4th April, 2016 and

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| | the impugned order of transfer to Alipurduar, appearing | |
| | at page 77 of the application, was issued on 20 th January, | |
| | 2017, that is within a space of about eight months. The | |
| | impugned order also shows that the posting was | |
| | temporary. Though it appears that it was issued in the | |
| | interest of public service no reason has been given. | |
| | In our view, since no reason has been given | |
| | in the impugned order of transfer that why it was issued | |
| | within a span of eight months, the order of transfer | |
| | under challenge cannot be sustained and is thus set aside | |
| | and quashed. Moreover since in spite of opportunity no | |
| | reply has been filed by the respondents, the statements | |
| | made in the application have gone uncontroverted. | |
| | Hence the application is allowed. | |
| | Urgent Photostat certified copy of this | |
| | order, if applied for, be furnished on priority basis. | |
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| | (P. Ramesh Kumar)(Soumitra Pal)Member(A).Chairman. | |
| | Member(A). Chairman. | |
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