

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

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 824 OF 2018

SUBHAS CHANDRA NASKAR Vs The 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>1</p> <hr/> <p>24.01.2019</p>	<p>For the Applicant : Mr. S. Nandy, Advocate</p> <p>For Respondents : Mr. G.P. Banerjee Advocate</p> <p>Let affidavit of service filed be kept on record.</p> <p>In this application, the applicant, who was appointed as Fire Operator under the West Bengal Fire &amp; Emergency Service on 22<sup>nd</sup> December, 2008, and thereafter had worked as 'Leader' - has challenged the transfer order dated 8<sup>th</sup> August, 2017 and the consequent release order dated 21<sup>st</sup> October, 2017, issued by the authority.</p> <p>On a query it is submitted by Mr. S. Nandy, learned advocate for the applicant that the said transfer order and the release order were challenged by the applicant in O.A. 64 of 2018. Though pursuant to the transfer order the applicant had joined the transferred post, however, subsequently, since from an information sought for under the Right to Information Act, 2005 from the Principal &amp; SPIO, West Bengal Fire &amp; Emergency</p>	

**ORDER SHEET**

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
SCN.	<p>Services it is evident that there is no specific policy, rules and regulations for transferring fire operator, leader, sub-officer and station officers, the transfer order dated 8<sup>th</sup> August, 2017 and the release order dated 21<sup>st</sup> October, 2017 may be set aside.</p> <p>Admittedly, the said transfer order and release order were the subject matters of O.A. 64 of 2018 wherein orders have been passed and thereafter, the applicant had joined the transferred post. Since transfer order and release order were the subject matter in O.A. 64 of 2016 which has been adjudicated it is hit by the principles of res judicata. As framing of rules is a matter of policy of the government, no order can be passed on this application. Hence, no order is passed on this application. The application is disposed of.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	