

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal, Hon'ble Chairman****& The Hon'ble Dr. Subesh Kumar Das, Administrative Member.****Case No –OA-398 of 2020.****Prasenjit Das. –Vs- The State of West Bengal & Others.**

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>2</u> 25.11.2020.</p>	<p style="text-align: center;">For the Applicant : Mr. M. S. Chattopadhyay, Advocate.</p> <p style="text-align: center;">For the State Respondents : Mr. G. P. Banerjee, Advocate.</p> <p>In this application, Prasenjit Das, the applicant, presently posted as B.M.O.H, Kewakole RH, Paschim Medinipore, having 45% locomotor disability, has challenged the order dated 22nd September, 2020 transferring him on promotion to A.C.M.O.H.(Sadar), Jalpaiguri, on various grounds. It is submitted by Mr. M. S. Chattopadhyay, learned advocate for the applicant that as the applicant is having 45% disability and has a four year child and his wife is working in Paschim Medinipore, since representation dated 28th September, 2020 has been furnished before the C.M.O.H., Paschim Medinipore –the respondent no. 4 and also a representation dated 24th September, 2020 has been filed before the Director of Health Service – the respondent no. 2, appropriate order may be passed quashing the order of transfer. In support of his submission he has relied on an order dated 25th February, 2004 issued by the Principal Secretary to the</p>	

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	<p>Government of West Bengal, Department of Health and Family Welfare.</p> <p>Mr. G. P. Banerjee, learned advocate appearing on behalf of the State respondents submits that the applicant is unable to show an order barring a transfer of a person having 45% disability.</p> <p>Heard learned advocates for the parties.</p> <p>Since we find that the applicant is having 45% disability and has a four year old child and his wife is working in same district, considering the same the application is disposed of by directing the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, -the respondent no. 1, to dispose of the representation dated 24th September, 2020 furnished before the Director of Health Service, - the respondent no. 2, by passing a reasoned order to be communicated to the applicant within four weeks from the date of presentation of a copy of this order downloaded from the website/internet, after giving an opportunity of hearing, after verifying the records and after considering the order dated 25th February,</p>	

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S.M.	<p>2004. Till reasoned order is passed and communicated the respondent no. 1 to 4 are restrained from implementing the order of transfer dated 22nd September, 2020.</p> <p>Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p>(DR. SUBESH KUMAR DAS) (SOUMITRA PAL) MEMBER (A) CHAIRMAN</p>	