

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal, Hon'ble Chairman****& The Hon'ble P. Ramesh Kumar, Administrative Member.****Case No –OA-44 of 2020.****Keka Karan. –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> 13.2.2020.</p>	<p>For the Applicant : Mr. M. N. Roy, Advocate.</p> <p>For the State Respondents : Mr. S. Ghosh, Advocate.</p> <p style="text-align: center;">Affidavit of service file today be kept on record.</p> <p>In this application, Keka Karan, a Staff Nurse in the West Bengal Nursing Service, Government of West Bengal, has filed this application challenging the order of transfer and praying for certain reliefs, the relevant portion of which is as under :-</p> <p style="text-align: center;"><i>“(a) An order directing the concerned respondent authorities to forthwith set-aside/cancel/quash/revoke/rescind the impugned transfer order being memo no. HNG/9T-4-2012/Part-III/55 dated 13.01.2020 and subsequent release orders being Memo Nos. VHB/Estt/63/1(9) dated 15.01.2020 and Memo No. VHB/Estt/63/1(9) dated nil signed on 17.01.2020 being Annexure “A” and Annexure “B” to this instant original application.</i></p> <p style="text-align: center;"><i>(b) An order directing the concerned</i></p>	

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	<p><i>respondent authorities to forthwith set-aside/cancel/quash/revoke/rescind the order no. HNG/9T-4-2012/Part-III/55 dated 13.01.2020 and subsequent Order no. VHB/Estt/63/1(9) dated 15.01.2020 passed by the respondent authorities and allow your applicant to resume her duties as Staff Nurse Grade-II at Vidyasagar State General Hospital immediately. "</i></p> <p>Mr. M. N. Roy, learned advocate for the applicant submits that as the applicant pursuant to the order of transfer and release order has joined the transferred post, she is giving up the challenge to the said orders. However, since the transfer took place in unusual circumstances, liberty may be granted to the applicant to file representation afresh before the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent no. 1.</p> <p>Mr. S. Ghosh, learned advocate for the State respondents submits that since the Director of Health Service, West Bengal –the respondent no. 2 is the appropriate authority to take a decision, representation, if any, be filed before the said</p>	

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	<p>authority.</p> <p>Having heard Mr. Roy and Mrs. Ghosh, learned advocates for the parties, since we find that the applicant has joined the transferred post, considering the facts and circumstances of the case, the Original Application is disposed of by granting liberty to the applicant to file a representation ventilating her grievances before the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, - the respondent no. 1, within four weeks from date. If such representation is filed, the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal - the respondent no. 1 shall dispose of the same by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing and after verifying the records. As prayed by Mr. Roy, learned advocate at the time of hearing, the applicant is at liberty to take assistance of a learned advocate.</p> <p>(P. RAMESH KUMAR) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	

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