

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal****&****The Hon'ble P. Ramesh Kumar.****Case No –OA-445 of 2018.****Madhusudan Mondal. –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>02</u> 19.07.2018</p>	<p style="text-align: center;">For the Applicant : Mr. Gourav Haldar, Advocate.</p> <p style="text-align: center;">For the State Respondents : Mr. Sankha Ghosh, Advocate.</p> <p>In this application, the applicant a Pharmacist, who had joined as Pharmacist on 21st October, 1998 and posted at Choa Primary Health Centre, Murshidabad, has challenged the order of transfer dated 7th September, 2017 transferring him to Domkal, SSH, Murshidabad on several grounds. The principal ground of challenge is that he is unable to discharge his duties in the absence of a Medical Officer who has already been transferred.</p> <p>Mr. Sankha Ghosh, Learned Advocate for the respondents submits on instruction that the applicant has been released from the Choa Primary Health Centre, Murshidabad, and he is yet to join at Domkal, SSH, Murshidabad.</p> <p>On a query, it is submitted by the learned advocate for the applicant that his client is ready to</p>	

ORDER SHEET**Madhusudan Mondal.**

Form No.

Vs.**The State of West Bengal & Ors.**Case No. OA-445 of 2018.

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>join at Domkal, SSH, Murshidabad and thereafter, the authorities may be directed to consider his representation.</p> <p>In our view, the issue regarding transfer is settled in view of the principles of law laid down in Gobardhan Lal -Vs.-State of U.P., reported in (2004) 11 SCC 402 particularly the proposition of law in paragraph 7 thereof. It has been held that transfer is an incident of service and order of transfer should not be interfered with lightly.</p> <p>It is to be noted that the applicant has been transferred to a place in the same district.</p> <p>In view of the submission made by the Learned Advocates for the parties, the application is disposed of by granting liberty to the applicant to join his duties at Domkal, SSH, Murshidabad. After the applicant joins at Domkal, SSH, Murshidabad, the Chief Medical Officer of Health, Berhampore, Murshidabad i.e. respondent no.-3 shall dispose of the representations collectively marked Annexure-B to this application, by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing.</p>	

ORDER SHEET**Madhusudan Mondal.**

Form No.

Vs.**The State of West Bengal & Ors.**Case No. OA-445 of 2018.

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
<i>Sourav.</i>	<p>Since the application is disposed of at the stage of admission without calling upon the respondents to file reply, the allegations made therein are deemed to have been denied.</p> <p>(P. RAMESH KUMAR) (SOUMITRA PAL) MEMBER (A) CHAIRMAN</p>	