

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal****&****The Hon'ble P. Ramesh Kumar.****Case No –OA-981 of 2015.****Tapan Kumar Singha. –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>19</u> 19.09.2018</p>	<p style="text-align: center;">For the Applicant : Mrs. Sonali Mitra, Advocate.</p> <p style="text-align: center;">For the Respondents : Mrs. Sunita Agarwal, Advocate.</p> <p style="text-align: center;">In this application, the applicant, a Group -D employee, has challenged the order of transfer dated 28th August, 2015 issued by the Block Medical Officer of Health (BMOH), Bethuadhari Rural Hospital, Nakashipara, Nadia transferring him to Dharmada Public Health Centre in the same district. It is submitted by Mrs. Sonali Mitra, learned advocate for the applicant that Bethuadhari Rural Hospital Rogi Kalyan Samiti has no authority to convene a meeting and recommend a transfer and thus the order of transfer is bad.</p> <p style="text-align: center;">Mrs. Sunita Agarwal, learned advocate appearing on behalf of the respondents referring to the guidelines for transfer appearing at pages-24 and 25 of the application, particularly with regard to guidelines for Group-D employees, submits that the Block Medical Officer of Health (BMOH), Bethuadhari Rural Hospital, Nakashipara, Nadia who has passed the impugned order dated 28th August, 2015 is the</p>	

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	<p>appropriate authority to transfer a Group-D employee within the district. In the instant case as the employee is a Group -D employee and the transfer order is within the district, the order of transfer is just and proper. Moreover, the distance from Bethuadhari Rural Hospital to Dharmada Public Health Centre is only 12 kilometres.</p> <p>It is evident that at the time of admission directions were issued to file affidavits. Reply has been filed. We find from records that on 19th May, 2016 the Tribunal had passed an order directing the Chief Medical Officer of Health, Nadia as well as BMOH, Bethuadahari not to give effect to the order dated 28th August, 2015 passed by the BMOH Bethuadahari until further order. Till the date the interim order is continuing.</p> <p>Heard Mrs. Mitra and Mrs. Agarwal, learned advocates for the respective parties. Admittedly, Block Medical Officer of Health (BMOH), Bethuadhari Rural Hospital, Nakashipara, Nadia had issued a memo dated 28th August, 2015 transferring the applicant from Bethuadhari Rural Hospital to Dharmada Public Health Centre. It appears from the memorandum</p>	

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<i>Sourav.</i>	<p>dated 28th February, 2002 that a Group-D employee can be transferred within the district and the Block Development Officer of Health is the competent authority to issue order of transfer. In the instant case in accordance with the guidelines, the applicant, a Group-D employee, was transferred from Bethuadhari Rural Hospital, Nakashipara, Nadia to Dharmada Public Health Centre in the same district by the BMOH. Therefore, the order of transfer was just and proper. Hence there is no merit in this application. The application is dismissed. Interim order passed on 19th May, 2016 is vacated.</p> <p>(P. RAMESH KUMAR) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	