

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

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

Case No – RA – 1 OF 2019 (OA 884 OF 2018)

DR. SANDEEP KUMAR DE 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>4</p> <hr/> <p>28.03.2019</p>	<p>For the Applicant : Mrs. J. Dey, Advocate</p> <p>For the Respondents: Mr. G.P. Banerjee, Advocate</p> <p>This Review Application RA-1 of 2019 has been filed for reviewing the order dated 12th December, 2018 passed in O.A. No. 884 of 2018 when the Tribunal after hearing the parties had dismissed the original application by passing an order the relevant portion of which is as under :</p> <p>“Heard learned advocates for the parties. Since on a query it is submitted by the learned advocates for the parties that on a similar cause of action from an order passed by this Tribunal the applicant has filed a writ petition, being W.P. 9765 of 2016 which is pending and since it is a settled position of law that transfer is a part of one’s service career and cannot be intervened very lightly, no order is passed on this application. The</p>	

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	<p style="text-align: center;">application is dismissed.”</p> <p>It is submitted by Mrs. J. Dey, learned advocate for the applicant that since the writ petition being WP 9765 of 2016, which is pending before the High Court, does not relate to the matter regarding transfer, the order passed on 12th December, 2018 may be reviewed and recalled. In this regard our attention has been drawn to the grounds of the review application particularly ground (b) thereof. Mrs. Dey referring to judgements of the Supreme Court submits the transfer is mala fide.</p> <p>Mr. G.P. Banerjee, learned advocate for the respondents submits that the applicant had himself in paragraph 15 of the original application had referred to the writ petition being WP 9765 of 2016 which is pending and at this stage, cannot take a new plea that the action is mala fide by relying on the Supreme Court judgements after the matter had been disposed of.</p> <p>Heard Mrs. Dey and Mr. Banerjee. We find that the applicant has filed a writ application being WP 9765 of 2016 which is still pending as evident from paragraph 15 of the original application. It is not very clear whether the said writ petition relates to the issue regarding transfer. However, we find that the application was dismissed not only referring to the said WP 9765 of 2016 which is</p>	

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SCN.	<p>pending, but it was also held that since it is a settled position of law that transfer is a part of one's service career and cannot be intervened very lightly, no order could be passed on the application. Therefore, no ground has been made out for reviewing the order dated 12th December, 2018 and hence the review application is dismissed.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	