

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**  
**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. OA – 450 of 2024**

**Dr. Naren Sarkar - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.	For the Applicant	: Mrs. Chaitali Bhattacharya,
and		Learned Advocate
Date of order		
4	For the Respondents	: Mr. M.N. Roy,
04.04.2025		Learned Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

In terms of a direction of this Tribunal in OA 294 of 2024 dated 18.07.2024, the Principal Secretary, Department of Health & Family Welfare heard the applicant on 12.08.2024. The Tribunal after considering his prayer in the earlier application for transfer to his choice of place had directed the Principal Secretary, Department of Health & Family Welfare to take a final decision in the matter. By memo. no. 2059 dated 14.08.2024, the Director of Medical Education referring to such a hearing by the Principal Secretary on 12.08.2024 directs him to report to Jalpaiguri Government Medical College as its Assistant Professor.

Mrs. Bhattacharya, learned counsel had argued that although the Tribunal had directed the State respondents to consider his representation for transfer to Purulia, but the respondent authority instead of considering such representation transferred him to Jalpaiguri. Such action on part of the respondent authority was not in consonance with the views of this Tribunal.

Mr. Roy, learned counsel had submitted that that applicant who was directed to join Jalpaiguri Government Medical College as the Assistant Professor joined his duties in his new place of posting on 29.07.2022, but from 30.07.2022 he remained absent from his duties.

Mrs. Bhattacharya argues that due to family reasons, the applicant could not continue his duties at Jalpaiguri and sought for leave by furnishing leave application. A copy of the leave application dated 07.08.2022 shows he had prayed for leave on several days, which ended on 10.10.2022. In the leave application, the applicant also informs that he shall be joining his duties on 11.10.2022. Mrs. Bhattacharya submits

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that the applicant continued to be on leave after submitting such leave applications.

The law relating to transfer of Government employees is well settled. The Hon'ble Supreme Court in its judgement in (2004) 11 SCC 402 made it clear that the transfer is not only an incident inherent in the terms for appointment but also implicit as an essential condition of service. It is also the complete discretion of the competent authority to effect any changes in the manpower by way of transfer from one place to another. The applicant as an employee have prayed for transfer to selective places of his choice but it has to be appreciated that choice of posting in a particular place or places are to be in tune with the administrative convenience. Keeping the larger interest of public health, a medical personnel can be transferred and it is obligatory on his part to comply. The Hon'ble Supreme Court also advised that transfer matters should be "normally eschewed and should not be countenanced by the Courts or Tribunal".

Therefore, in the light of the above judgement of the Hon'ble Apex Court, this Tribunal declines to interfere in this matter.

Therefore, this application is disposed of without passing any orders.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P.