

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 483 of 2022.

DHRITIGOBINDA BASURI-Versus- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mrs. P. Sasmal, Advocates.
<u>3</u> 17.8.2022	For the State Respondents	: Mrs. S. Agarwal, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In the application Dhritigobinda Basuri, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“.....a) *An order do issue thereby directing the respondent authorities to transfer and allow posting to your applicant within home district i.e. Jhargram after considering the representations dated 26.07.2022 within a stipulated time period.*

b) *An order do issue thereby directing the respondent authorities to consider and dispose of the representation dated 26.07.2022 by passing a reasoned and speaking order in accordance with law after giving an opportunity of hearing and to communicate the decision thereof to your applicant within a stipulated time period....”.*

It is submitted by Mr. M.N. Roy, learned advocate, that by memo dated 29th August, 2011, the applicant was appointed to the post of Sub Inspector of School at Dantan Circle, Paschim Medinipore, which is under zone II. Thereafter by order dated 29th August, 2016 he was transferred to Dinahta S.D., Cooch Behar, which is under zone I. Subsequently by order dated 22nd July, 2022 the applicant has been transferred from Dinahata to Kasipur East Circle, Purulia. Submission is as pursuant to the transfer policy,

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as laid down in the memorandum dated 29th November, 2011 after minimum service of ten years in zone 1 and zone II taken together, an incumbent in the rank of Sub Inspector of Schools will be eligible for being posted in the home district, as an application for reconsideration of transfer order dated 26th July, 2022, appearing at page 25 of the application, has been filed before the Commissioner of School Education, West Bengal, the respondent no. 2, appropriate order may be passed for posting him at Jhargram where his father a seventy-five year widower lives and being the only son he has to look after him.

Mrs. S. Agarwal, learned advocate appearing on behalf of the State respondents submits since transfer is a part of one's service career, no order may be passed.

Having heard the learned advocates for the parties and since it is submitted that the applicant has served ten years in zone 1 and zone 2 in the rank of Sub Inspector of Schools and as he is eligible for being posted in his home district in view of the memorandum dated 29th November, 2011, considering the facts and circumstances of the case, the application is disposed of by directing the Commissioner of School Education, Directorate of School Education, Government of West Bengal.. – the respondent no. 2 to dispose of the representation dated 26th July, 2022 praying for reconsideration of the transfer order by passing a reasoned order to be communicated to the applicant within four weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing.

(SOUMITRA PAL)
CHAIRMAN.

Skg.

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