

ORDER SHEET

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 679 of 2024

Sabyasachi Choudhury -- VERSUS -- The State of West Bengal & Ors.

Serial No. and Date of order For the Applicants : Mr. A. Chakraborty,
Ld. Advocate.

For the State Respondents : Mr. G.P. Banerjee,

02
21.04.2025

Ld. Advocate.
The matter is taken up by the Single

The applicant has prayed for a direction in this application for setting aside the impugned transfer order dated 20th December, 2024. A copy of the impugned order shows the applicant being transferred from Kangsabati Canals Division II, Khatra, Bankura to Mahananda Barrage Division, Siliguri. Mr. Chakraborty, learned counsel draws attention to Memo 9770 –F dated 19th August, 1983 and submit that being a Khalashi, a Group – D staff, such transfer orders are deviation from Government Notification. Mr. Chakraborty submits that the Memo 175-F(P) dated 9th January, 2014 as relied by the respondent authority while transferring the applicant is not valid and applicable in this case. Attention is also drawn to an order of the respondent authority dated 31.03.2015. Mr. Chakraborty argues that by this order, though the applicant was transferred to his home district in Bankura but was at the cost of his foregoing the service seniority. The applicant sacrificed his seniority to be posted in home district. Now, by this impugned order dated 20th December, 2024 disregarding the order of 31st march, 2015, the applicant has been transferred to a place which is 600 kilometres away from his hometown.

Mr. Chakraborty has submitted that the inability of the applicant to comply with the transfer due to his wife's serious illness.

Mr. Banerjee emphasises that the word “detailment” does not mean a transfer. In terms of 10B of Rule 5 of West Bengal Service Rules, Part-I. “detailment means utilisation of service of an employee of any job for a temporary period” in the public interest. Mr. Banerjee has assured that under this detailment, such posting of the applicant is temporary in nature. It has also been pointed out that the

Form No.

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Vs.

The State of West Bengal & Ors.

applicant did not seek any remedy by filing a representation for recalling or modification of this order before the respondent authorities.

Having heard the submissions of the learned counsels and being satisfied with the argument of the State side that such detailment is for a limited period of time, the Tribunal directs the applicant to comply with this order and after joining the new place furnish a representation with supporting documents praying for reversion to his old place of posting or any other place of posting before the respondent authorities.

The interim order passed by this Tribunal staying the operation of the memo. 5159 dated 20.12.2024 is vacated.

Accordingly, this application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

HS/SS