

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,
Case No. - OA 75 OF 2024**

SAKTIPADA DALAI & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	:	Mr. Goutam Pathak Banerjee Mr.A.Dalai Advocates
<u>01</u> 29.02.2024	For the State Respondents	:	Mrs. Sonali Mitra Advocate

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

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed today be kept on record.

The applicants in this application have prayed for setting aside the transfer order issued vide No. 71 dated 06.02.2024 issued by the Divisional Forest Officer, South 24 Paraganas Division.

Submission of Mr.G.P.Banerjee, learned counsel for the applicants is that the Divisional Forest Officer is not the authority to issue any transfer orders for Casual Daily Labourers (CDL). He draws attention to a Memo. No. 6536 dated 14.09.2016 issued by the Chief Conservator of Forest, which is, "I have been directed to inform that in case of transfer of packaged CDL, Principal Chief Conservator of Forest will issue no order as per existing rules and orders in vogue." It is not understood whether the applicants whose names are mentioned in the transfer order are Casual Daily Labourer or not. Such word, CDL is not seen rather abbreviations BS, FG, AS are mentioned against their names.

Submitting on behalf of the State respondents, Mrs.S.Mitra, learned

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counsel disagrees with Mr.Banerjee and submits that the Divisional Forest Officer is the competent official to issue such transfer orders. Further, she refers to the same order dated 14.09.2016 of the Chief Conservator of Forests and submits that the order does not disallow the Divisional Forest Officer to issue the transfer order of the applicants. She prefers to file a reply in this matter on the next date.

Let such reply be filed on the next date and a copy be served upon the other sides.

Let the matter appear under the heading "Admission Hearing" on 23rd July, 2024.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR