

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

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Subesh Kumar Das

Case No OA- 161 OF 2018

LATIKA MONDAL Vs. 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><u>01</u> 23.03.18</p>	<p>For the Applicant : Mr.F.Samim Learned Advocate</p> <p>For the Respondent : None</p> <p>The applicant has prayed for quashing of order of transfer dated February 16, 2018 issued by the Respondent No.2 by filing original application under Section 19 of the Administrative Tribunals Act, 1985.</p> <p>The contention of the applicant is that the applicant joined as G.D.A. Group-I at E.S.I. Hospital Kamarhati by way of transfer on September 4, 2017. The grievance of the applicant is that she has been again transferred from E.S.I. Hospital, Kamarhati to E.S.I. Hospital, Durgapur by the Respondent No.2 by issuing order on February 16, 2018. Learned Counsel for the applicant has referred to G.O. dated February 20, 1996 issued by the Labour Department, Government of West Bengal and submitted that the present transfer of the applicant is in violation of the said G.O. of the Labour Department, Government of West Bengal. On perusal of the said G.O. dated February 20, 1996, we find that the</p>	

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	<p>said G.O. is applicable in case of transfer of the employees working in various Employment Exchanges under the Directorate of Employment, Department of Labour, Government of West Bengal. Accordingly, the guidelines in connection with the transfer given in the said G.O. dated February 20, 1996 has no manner of application in case of transfer of the applicant who is an employee under the Directorate of E.S.I.</p> <p>Learned Counsel for the applicant further submits that the applicant has been suffering from arthritis and she is not in a position to maintain two establishments, one in Kolkata and another in Durgapur from her scanty income. He has also pointed out that representation submitted by the applicant before the Respondent No.2 through proper channel on February 20, 2018 has not yet been considered in accordance with law. On our query, Learned Counsel submits that the applicant has not yet joined her new assignment at E.S.I. Hospital, Durgapur.</p> <p>None appears on behalf of the State Respondents in spite of service of notice as reflected from the affidavit of service filed on behalf of the applicant.</p>	

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	<p>Nothing is on record to indicate that the order of transfer of the applicant from Kamarhati to Durgapur is illegal or arbitrary or malafide or violative of any provision of the rules by which the applicant is governed. With reference to the submission made on behalf of the applicant that she cannot maintain two establishments and that she is facing inconvenience by way of transfer, as she has been suffering from arthritis, we would like to observe that the applicant can very well avoid maintaining two establishments by shifting the family at Durgapur. We do not think that the treatment of arthritis cannot be done at Durgapur. So, we do not find any merit in the submission made on behalf of the applicant to avoid transfer. In view of our above findings, we cannot persuade ourselves to interfere in the order of transfer dated February 16, 2018 issued by the Respondent No.2 (Annexure-C to the original application).</p> <p>However, since the applicant has submitted one representation before the Respondent No.2 through proper channel on February 20, 2018, we direct the</p>	

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BLR	<p>Respondent No.2 to consider the representation of the applicant in accordance with law within a period of two (02) weeks from the date of communication of the order and to intimate the result of the same to the applicant within a period of two (02) weeks thereafter.</p> <p>The impugned order of transfer dated February 16, 2018 is, thus, upheld by the Tribunal. The original application stands disposed of.</p> <p>The applicant is directed to communicate copy of the order along with copy of the original application to the Respondent No.2 by Speed Post within a period of one (01) week.</p> <p>Let a plain copy of the order be supplied to Learned Counsel for the applicant free of cost.</p> <p style="text-align: center;"><b>(S.K.Das)</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>(R.K.Bag)</b> <b>MEMBER (J)</b></p>	

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