

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Present- The Hon'ble Justice Soumitra Pal (Chairman) &
The Hon'ble Dr.Subesh Kumar Das (Administrative Member)

Case No. OA -239 OF 2020

AJIJUDDIN MONDAL Vs. THE STATE OF WEST BENGAL & OTHERS.

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 style="text-align: center;"><u>02</u> 17.08.2020</p>	<p>For the Applicant : Mr.D.N.Ray Mr.S.Ghosh Mr.B.Nandy Advocates</p> <p>For the Respondent : Mr.G.P.Banerjee Advocate</p> <p>In this application, Ajijuddin Mondal, the applicant, now working as MT (ECG) Grade III under the Health & Family Welfare Department, Government of West Bengal, has prayed for several reliefs, the relevant portion of which is as under:-</p> <p style="text-align: center;"><i>a) An order do issue directing thereby the concerned respondent authorities, to transfer and post the applicant to an Institution which is nearer to his home, being within the Districts of Burdwan or Hooghly, as has been done in case of two other similarly situated Medical Technologists who have been transferred near to their home Districts and also taking into consideration that the spouse of the applicant is also working under</i></p>	

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	<p><i>the Government and the distance between the service locales of the applicant and the spouse is more than 590 Kms.</i></p> <p><i>b) An order do issue in the alternative upon the concerned respondent authorities to pass an order of detailment, allowing thereby the applicant to serve in any Institute near his home district location temporarily for a period of at least 6 months.</i></p> <p>It is submitted by Mr.D.N.Ray, learned advocate for the applicant, since a representation has been submitted on 21st January, 2020 before the Director of Health Services, Government of West Bengal, the respondent no. 2, for transfer from Super Speciality Hospital, Malbazar, Jalpaiguri to any hospital, as indicated therein, appearing at page-22 of the application, appropriate direction may be issued upon the respondent authorities to consider the same. In this regard reliance has been placed on memorandum dated 28th February, 2002 appearing at pages 24 and 25 of the application.</p>	

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	<p>Mr.G.P.Banerjee, learned advocate appearing on behalf of the applicant submits that the petitioner cannot pray for transfer from the present place of posting as he has completed only one year of service and reliance on the memo dated 28th February, 2002 is without basis as the wife of the applicant is not a government employee.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Director of Health Service, Government of West Bengal, the respondent no. 2, to dispose of the representation praying for transfer, appearing at page no. 22 of the application, by passing a reasoned order to be communicated to the parties within 3 months from the date of presentation of a copy of this order.</p> <p>Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the</p>	

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BLR	<p>Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p>(S.K.DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	