

Item- 06-09-2021
21

WP.CT 51 of 2021

Union of India & Ors.
Versus
Manoranjan Maity

Ct. 16

sg

(Through Video Conference)

Mr. Sovan Mukherjee, Adv.
...for the petitioners

Mr. Sarthak Burman, Adv.
...for the respondent

The order of the learned Tribunal dated 23rd February, 2021 is the subject matter of challenge in this writ petition. Before the learned Tribunal the applicant has challenged the transfer order from Tamluk to Kharagpur.

Taking into consideration that from Tamluk to Kharagpur would take a time of about 1 hour and 12 minutes by train and the assurance given by the leaned Counsel appearing for the petitioners that as soon as he joins in Kharagpur, his seniority would be restored, we feel that the order of the learned Tribunal was not justified in the facts and circumstances of the case. Moreover, since the transfer was on the administrative reasons, we feel that the learned Tribunal cannot substitute their views for the administration as they are the best judge to discharge the posting of its employees unless, of course, such transfer is tainted with malafide or arbitrary which are absent in the instant case.

In view thereof, we set aside the order of the learned

Tribunal.

We direct the respondent to join the transferred post within one week from date.

The writ petitioners shall immediately restore his seniority upon his joining the said post.

The writ petition succeeds. However, there shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)