

19.07.2022
Sl.No.149(ML)
srm

W.P.A. No. 12085 of 2022

Animesh Chandra Ray Sarkar

Versus

State of West Bengal & Ors.

Mr. Sukanta Charkraborty,
Mr. Anindya Halder

... for the Petitioner.

Mr. Jishnu Chowdhury,
Ms. Amrita Panja Moulick

...for the State-respondents.

Mr. Malay Kumar Ray

...for the Respondent Nos.3 & 4.

Affidavit-of-service is taken on record.

The petitioner has challenged an order of transfer dated February 10, 2020. The petitioner was attached to the Centre for Cooperative Management (CCM) at Jalpaiguri in the post of a Principal. He was transferred to CCM, Malda. The petitioner has joined the present post without prejudice. It is urged that at the fag-end of the service career of the petitioner, such transfer was arbitrary and unfair.

The petitioner has filed several representations before the Chief Executive Officer, West Bengal State Cooperative Union, seeking re-transfer to CCM, Jalpaiguri. Such representations have not yet been

disposed of by the Chief Executive Officer, West Bengal State Cooperative Union.

The learned Advocates for the State-respondents and for the West Bengal State Cooperative Union, submit that the transfer was for administrative convenience and the petitioner was transferred in 2020, whereas he retires in 2023. Thus, the transfer cannot be termed as either arbitrary or discriminatory. The service rules also do not have any provisions for re-transfer. Thus, the prayer of the petitioner cannot be considered.

An employee always has a right to approach his employer with a request for sympathetic consideration of his situation. Whether the employer will accept the contention of the employee is always open to the employer. The petitioner has prayed for re-transfer. Whether the same will be allowed or not, has to be decided by the employer.

Under such circumstances, the writ petition is disposed of with a direction upon the Chief Executive Officer, West Bengal State Cooperative Union to dispose of the prayer for re-transfer in accordance with law. The decision shall be arrived at upon hearing the petitioner and upon considering the medical documents, which have been annexed to the said representation. A reasoned order

shall be passed and communicated to the petitioner. The entire exercise shall be completed within a period of four weeks from date.

This Court has not expressed any view on the merits of the contention of the petitioner and the issues shall be decided by the authority, independently.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)