

**Subal Hansda
Vs.
The State of West Bengal & Ors.**

**Mr. Sukanta Ghosh.
... for the petitioner.
Mr. Tapan Mukherjee,
Ms. Saheli Mukherjee.
... for the State.**

The petitioner was transferred by an order passed by the competent authority. The petitioner immediately made an application raising an issue that he has physical disabilities exceeding 50% and, therefore, the order of transfer cannot be made, as the petitioner is entitled to the benefit under the Rights of Persons with Disabilities Act, 2016.

It appears that several representations were made in this regard, yet the authority was keeping the same under suspended animation for all time to come. The approach was made to the Tribunal and by the impugned order the Tribunal directed the Director General and Inspector General of Police (Administration) Kolkata to give a reply to such representation dated 19th February, 2020 within ten weeks from the date of presentation of the copy of the order.

Neither the authority nor the Tribunal have decided the issues raised by the writ petitioner and, therefore, it would not be proper on the part of the Writ Court to usurp the power of the original authority and decide the matter finally.

Since the issues have been relegated before the competent authority against the order of transfer and shelter appears to have been taken under the aforesaid Act, the authority has to decide the same

and cannot keep the said representation pending for all time to come.

Neither the learned Advocate for the petitioner nor Mr. Mukherjee, learned Additional Government Pleader, is in a position to apprise the Court whether the said authority has already given a reply in terms of the said order.

Be that as it may, we do not want to go into the aforesaid aspect for the simple reason that the order passed by the Tribunal appears to be innocuous and, therefore, no interference is called for.

It is open to the writ petitioner to approach the competent authority, if compliance has not been made in terms of the impugned order and liberty is also granted to the petitioner to take appropriate steps as permissible under the law.

The writ petition is thus disposed of.

There will be no order as to costs.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)