

16.03.2022
Sl. No. 19
ss

W.P.A. 16657 of 2021

Md. Arif

Vs.

The State of West Bengal & ors.

Mr. Swapan Banerjee
Mrs. Salma Sultana Shah
Mr. Sani Hossain
... for the petitioner

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
... for the State

The petitioner was appointed as a Panchayat Accounts and Audit Officer under the Department of Panchayat and Rural Development, Government of West Bengal on 27th September, 2004. Initially, the petitioner was posted at Keshpur. Thereafter, the petitioner was transferred to Bhagawanpur-II Block, Purba Medinipur. On November 13, 2009, the petitioner was posted to Kalna-II Block. On July 15, 2016, the petitioner was posted at Chinsurah-Mogra Block, Hooghly.

By an order dated January 22, 2021, the petitioner was transferred from Chinsurah-Mogra Development Block to Krishnanagar (Headquarter), Nadia.

The allegation is that the service rules have been violated. The Panchayats & Rural Development, Government of West Bengal by a memorandum dated

September 7, 2009 provided the Guidelines Regulating the Transfer of Panchayat Development Officer and Panchayat Accounts & Audit Officers, under the directorate of Panchayat and Rural Development, Government of West Bengal.

It appears that the Panchayat Accounts and Audit Officers under the Directorate of Panchayat and Rural Development shall be eligible to be transferred after a period of five years, but a premature transfer on administrative ground or a health ground of the officer or the member of the family of the officer was also permitted.

Thus, this Court finds the petitioner served in Chinsurah for almost five years and thereafter, the petitioner along with other similarly placed persons had been transferred to various places. Transfer is an incidence of service. A premature transfer, for administrative reasons, before completion of five years, is permitted by the Rules. There is nothing on record to show that the transfer was malafide, arbitrary or discriminatory. The petitioner was transferred along with seven other similarly situated persons.

Thus, there cannot be any reason to interfere with the order of transfer. It is also submitted that the petitioner has joined the place of transfer on October 25, 2021 and he is functioning there. Therefore, nothing remains to be decided in this writ petition.

Accordingly, this writ petition is dismissed.
However, there shall be no order as to costs.

If in future, the petitioner's mother falls seriously ill, then the petitioner may approach the authority in accordance with law and if such approach is made, the same shall be disposed of in accordance with law.

All parties are to act on website copy of this order.

(Shampa Sarkar, J.)