

08.02.2023
Sl. No.26(ML)
srm

W.P.A. No. 1449 of 2023

Runa Laila

Versus

The State of West Bengal & Ors.

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Mousumi Hazra,
Ms. Payel Shome

...for the Petitioner.

Mr. Suman Dey

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the panchayat authorities.

The petitioner approached the Block Development Officer, Grahbeta-II Development Block, Paschim Medinipur, praying for transfer to any gram panchayat in the district of Purulia. The petitioner prayed for an inter-district transfer on the ground that she had given birth to a child on February 17, 2021 and it was becoming difficult for the petitioner to discharge her duties at Makli Gram Panchayt in the district of Paschim Medinipur, which was at a distance of 150 kms. from her hometown.

The Block Development Officer forwarded the prayer of the petitioner to the Sub-Divisional Officer, Medinipur Sadar, Paschim Medinipur. Thereafter, the petitioner directly approached the Commissioner, Directorate of Panchayat and Rural Development, Government of West Bengal for necessary orders in terms of the Memo No.1386/PN/O/III/25-29/09 dated March 2, 2012.

The learned Advocate for the State-respondents submits that the petitioner did not approach the authority through proper channel. The first formality would be to obtain a “no objection” from the concerned gram panchayat. Thereafter, the petitioner should apply before the concerned District Magistrate of the district in which the petitioner is serving with the “no objection” issued by the gram panchayat. The District Magistrate is then required to forward the documents and the prayer of the petitioner for such transfer, to the Commissioner, Directorate of Panchayat and Rural Development, Government of West Bengal.

Although the learned Advocate for the State-respondents has mentioned such procedure during his submissions, but the learned Advocate did not produce any rules or notifications which would guide the manner

in which an application for inter-district transfer can be made by a Nirman Sahayak, who had been working in a particular district for more than three years. Admittedly, the petitioner has been serving in the district of Paschim Medinipur since 2019.

The Memorandum No.1386/PN/O/III/25-29/09 dated March 2, 2012 deals with inter-district transfer, which is quoted below:

“In supercession of this Deptt.’s orders on the subject noted above the undersigned is directed to say that inter district transfer of the employees of Panchayat Samities and Gram Panchayats except Gram Panchayat Karmee may be allowed in respect of the permanent employees with at least three years service in the district from where transfer is sought provided that there should be no departmental proceeding against such employees.

Mutual transfer in respect of the employees of Gram Panchayat and Panchayat Samiti may be allowed for those employees who have served at the place for at least two years and were not posted in places where transfer has been sought during last five years of service from the date of joining at current place of posting.”

The petitioner is directed to file an application for transfer addressed to the District Magistrate, Paschim Medinipur through Makli Gram Panchayat, Paschim Medinipur. The gram panchayat after giving its “no objection” shall forward the case of the petitioner to the District Magistrate within a week from the date of receipt of the petitioner’s application. The District Magistrate shall

forward the same to the Commissioner, Directorate of Panchayat and Rural Development, Government of West Bengal, within two weeks thereafter, with his/her comments. A decision shall be taken in accordance with the service rules and notifications guiding the service conditions of the petitioner by the Commissioner and intimated to the petitioner within a period of four weeks from the date of receipt of the papers from the District Magistrate, Paschim Medinipur.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)