

WPA 9574 of 2023

Sanjit Pramanik
Vs.
The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta

....for the petitioner

Mr. Rajat Dutta

...for the State-respondents

This is an application for staying an order of transfer dated April 11, 2023.

Mr. Chattopadhyay, learned counsel appearing on behalf of the petitioner submits that prior to effecting of the order of transfer, the petitioner on January 9, 2023 made a representation to the Director, Directorate of Disaster Management, West Bengal. The petitioner is working as a Block Disaster Management Officer (BDMO). It appears from the petitioner's representation that the petitioner's mother is suffering from various medical ailments and has been advised rest. Since there is no one in the petitioner's family to look after the petitioner's mother, the petitioner has prayed for to be retained at Chapra where he is currently serving. The petitioner has been serving at Chapra since 2015.

The Sub Divisional Officer, Sadar, Nadia by a Memo dated January 19, 2023 forwarded the

petitioner's request for exemption from transfer to the Additional District Magistrate, Nadia.

Despite the representation of the petitioner being made before, by the impugned order dated April 11, 2023 passed by the Director of Disaster Management, the petitioner was transferred from Chapra to Jiagunj, Murshidabad.

Mr. Dutta, learned counsel appears on behalf of the State and submits that this is an administrative transfer of 109 people. The petitioner cannot insist to be retained at Chapra year after year.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that transfer is an incident of service. There is no allegation of malafides or ulterior motive in transferring the petitioner from Chapra to Jiagunj, Murshidabad. The petitioner is serving as BDMO and such is a responsible post. As per the necessity/requirement of the Government the petitioner is required to be transferred from one place to the other.

Such a view of this Court finds support in the Apex Court decision reported in 2022 LiveLaw(SC)266 (**S.K. Naushad Rahaman & Ors. vs. Union of India & Ors.**) and (2004) 11 SCC 402 (**State of U.P. and Others vs. Gobardhan Lal**).

In such view of the matter **WPA 9574 of 2023** is **dismissed.**

Since affidavits have not been invited in the present writ petition, the allegations made in the writ petition are deemed not to have been admitted by the parties.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)