

Item No.13

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

05.12.2023
Ct-24
AGM

WPA 13447 of 2023
Sri Saikat Podder
v.
The State of West Bengal & Anr.

Mr. Dilip Kumar Samanta
Mr. Mrinal Das
Mr. Raja Adhikary
Ms. Ruksar Parveen
Ms. Nisha Das

... for the petitioner.

Ms. Amrita Panja Moulick
... for the State.

The petitioner is serving as a Nirman Sahayak. He is troubled by frequent transfer. The petitioner has presently joined the current place of posting and has submitted a representation before the District Magistrate and the Executive Officer, Purba Bardhaman Zilla Parishad requesting to reconsider his transfer.

The said representation was served through post in January 2023. The same is alleged to be kept pending.

It has been submitted that the present place of posting of the petitioner is nearly 80 kms away from his residence and it is practically impossible for the petitioner to report to duty on time.

Learned advocate representing the State respondents submits, upon instruction that, the

petitioner has been transferred on administrative grounds.

Without entering into the grievances put forward by the petitioner in the representation, as it appears that the said representation is pending consideration, the Court directs the District Magistrate and the Executive Officer of the Zilla Parishad Purba Bardhaman to consider the petitioner's representation in accordance with law after giving the petitioner a reasonable opportunity of hearing.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner.

Steps shall be taken in the matter at the earliest but positively within a period of six weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 6th January, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

Instruction forwarded by the District Magistrate, Purba Bardhaman on 15th June, 2023 be retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)