

**27.06.2023**  
**DL-6**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 13817 of 2023**

**Mostaque Ahmed**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Animesh Mukherjee,  
Mr. Md. Abdul Alim  
...for the petitioner.

Mr. Pradip Kumar Mondal,  
Mr. Nirmalya Roy  
....for the State.

The petitioner was appointed to the post of Junior Assistant Planner by an appointment letter dated November 13, 2013. The petitioner joined his service on November 21, 2013 with the Siliguri Jalpaiguri Development Authority (SJDA). The said SJDA was under the Urban Development Department. On August 3, 2020 the petitioner was promoted to the post of Assistant Planner from Junior Assistant Planner. The petitioner is discharging his duties in the said post.

By a notification issued by the Principal Secretary, Government of West Bengal dated July 22, 2021 the Urban Development Department and the Municipal Affairs Department were merged together on and from December 2016. The establishment now came to be known as Urban Development & Municipal Affairs (UD & MA) Department.

The petitioner has prayed for transfer from his present place of posting at Siliguri to any place in Birbhum district due to the fact that his mother is seriously ill and his brother is also mentally disabled and prone to violence. A prayer for transfer was made on April 12, 2022 by the petitioner after serving at Siliguri for 8 years. The said prayer was forwarded by the Chief Executive Officer, SJDA to the Principal Secretary, Department of UD & MA, Government of West Bengal on April 18, 2022. The petitioner also renewed his prayer through his advocate on January 19, 2023.

Mr. Mukherjee, learned counsel appearing on behalf of the petitioner submits that despite such representations, no reasoned decision has been taken by the Principal Secretary as yet. After the merging of the two authorities the employees were eligible for transfer.

Mr. Mondal, learned counsel appears on behalf of the State respondents.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served by directing the Principal Secretary, Department of UD & MA, State of West Bengal or any other authority delegated by him to consider the representations of the petitioner upon giving a personal hearing to him, within 8 weeks from date.

Upon consideration of such representations, a reasoned order shall be passed and communicated to the petitioner within 2 weeks of passing thereof. In passing the reasoned order, the rules relating to transfer, especially Rule 16 of the West Bengal Municipal (Employees' Service) Rules, 2010 will be taken into consideration by the authorities concerned.

With the directions aforesaid, **WPA 13817 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

**(Lapita Banerji, J.)**