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03.05.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 12518 of 2024

**Kalyan Kumar Singha
-versus
The State of West Bengal & Ors.**

**Mr. Anindya Sunder Deb,
Mr. Sounak Ghosh,
Mr. Surajit Singh,
Mr. Ratul Deb Banerjee,
Mr. Subrata Mondal.
...For the Petitioner.**

**Mr. Avishek Prasad.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner was serving as Sahayak of a Gram Panchayat in the district of Purulia. A general order of transfer dated 10th January, 2023 was issued by the Executive Officer of the Purulia Zilla Parishad and the District Magistrate, Purulia. By the said order of transfer as many as 157 Sahayaks were transferred from there place of posting.

The petitioner made a legal representation before the District Magistrate to reconsider his place of posting. The Additional District Magistrate (General) by a communicating letter dated 7th February, 2024 directed the Sub-Divisional Officer, Purulia Sadar Sub-Division to consider the representation of the petitioner. A date of hearing was fixed in the office of the Sub-

Divisional Officer on 21st February, 2024 which was rescheduled on 28th February, 2024.

By a communication dated 23rd February, 2024, the petitioner intimated the Sub-Divisional Officer that he would not obey the direction to appear in the hearing as communication was not made to his learned advocate and the petitioner actually did not appear in the hearing held on 28th February, 2024.

A show cause notice was issued to him on 4th April, 2024 mentioning that despite issuance of transfer order on 10th January, 2023 and release order on 30th November, 2023 he did not join the transferred place of posting. The petitioner deliberately did not receive the release order.

He was directed to show cause within 30 days as to why action will not be taken against him in accordance with the provision of West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 as amended in 2006.

By order dated 22nd April, 2024 the petitioner was intimated that, the authority was not satisfied with his reply given to the show cause and as last chance he has been directed to join the transferred place of posting immediately, failing which departmental proceeding will be initiated against him.

The petitioner submits that the place where he has been transferred is approximately 44 kms. away from his present place and it will be difficult for him to travel that far on daily basis.

Learned advocate appearing for the State respondents draws attention of the Court to the averments made by the petitioner in the writ petition.

In paragraph 16, the petitioner has averred that by communicating letter dated 23rd February, 2024 he expressed his willingness to participate in the hearing.

In paragraph 17, he has averred that although he remained present on 28th February, 2024 but the authority, without completing the hearing process, passed the reasoned order on 7th February, 2024.

In paragraph 18, it has been averred that the petitioner is the leader of the union who often protested against the illegalities of the Panchayat and he is into active politics and actively supports the party which is presently not in power. It is because of the same that the petitioner has been transferred elsewhere.

It has been submitted that the petitioner has deliberately made false statements and averments on oath. The petitioner flatly refused to attend the hearing which duly took place on the scheduled date. Prayer has been made to dismiss the writ petition.

I have heard the submissions made on behalf of both the parties.

The transfer order contains names of 157 Sahayaks who were transferred in the interest of public service. It does not appear that there was any mala fide intention in passing the order of transfer. Opportunity was given to the petitioner to remain present at the time of hearing of his representation for reconsidering his transfer, which the petitioner in writing, refused to participate in.

The hearing took place on the scheduled date where the petitioner deliberately did not participate and order has been passed directing the petitioner to join his present place of posting. The post in which the petitioner is serving is a transferable post. The

employer knows best where to post an employee for extracting the best service in the interest of the institution.

The Court does not find any error on the part of the respondents and hence, is not inclined to exercise jurisdiction in this matter.

The writ petition fails and is hereby dismissed.

No costs.

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

(Amrita Sinha, J.)