

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

***M.A.T. 1232 of 2024
(CAN 1 of 2024)***

Amrita Sarkar

-Vs-

The State of West Bengal & Ors.

For the Appellant	:	Mr. Soumya Ray, Adv. Mr. Aditya Sen, Adv. Ms. Anwesha Saha, Adv. Mr. Pramit Panda, Adv. Ms. Priya Ghoshal, Adv.
For the State	:	Mr. Lalit Mohan Mahata, Id. A.G.P. Mr. Prasanta Behari Mahata, Adv.
Heard on	:	25.07.2024 & 06.08.2024
Judgment on	:	06.08.2024

Joymalya Bagchi, J. :-

1. By order dated 13.06.2024 the respondent no.2 i.e. District Magistrate, Malda was directed to consider the representation of the appellant for transfer to a convenient place and pass a reasoned order thereon. Pursuant to the said order, decision has already been taken and

appellant has been posted at Ratua-II Panchayat Samity which is at a distance of 22 kms. from her residence.

2. Learned Advocate for the appellant contends a number of incumbents are occupying similar posts in various Panchayat Samities for more than three years which are nearer to his client's residence. Hence, her prayer be reconsidered and she may be accommodated in any of these posts.

3. Transfer is an incidence of service. Taking into consideration the health and other difficulties of the appellant, the Hon'ble Single Judge took a sympathetic view in the matter and directed respondent no.2 to consider the representation of the appellant for transfer to a place nearer to her residence. In the light of the said order, appellant has been posted at Ratua-II Panchayat Samity which is 22 kms. away from her residence. It is not open to an employee to choose her place of posting.

4. Learned Advocate for the appellant argues other employees are occupying their posts for more than three years though they are required to be transferred after three years. It is open to the employer to consider the issue of transfer of other employees as per transfer policy. However, this does not give a vested right to the appellant to seek transfer and appointment in those posts.

5. For these reasons, we do not find any merit in the appeal and the same is accordingly, dismissed.

6. In view of dismissal of the appeal, connected application being CAN 1 of 2024 is also disposed of.

7. There shall be no order as to costs.

8. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

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