

06.09.2024
Sl. No.4
Ct. No.15
S.A.

WPA 20842 of 2024

Vipin Vijay
-vs-
Satyajit Ray Film and Television
Institute (SRFTI) & Ors.

Mr. Debashis Banerjee
Ms. Gargi Roy
Mr. Rakesh Jana
...for the petitioners
Mr. Sukanta Chakrabarty
Mr. Anjan Chakraborty
...for respondent nos.1 & 2
Ms. Jhuma Sen
Ms. Swastika Chatterjee
...for respondent nos.3 & 4

The petitioner challenges a transfer order dated July 26, 2024, issued by the Director in-charge of Satyajit Roy Film and Television Institute whereby the petitioner was transferred from Kolkata to Itanagar, Arunachal Pradesh.

The petitioner by an e-mail dated July 28, 2024, raised few queries regarding the transfer order. The said e-mail was responded to the Institute by a letter dated August 7, 2024. The relevant part of the said letter is quoted below:

“The requisite information sought is furnished below :-

1) Following advice of I.C., SRFTI to ensure your absence during proceeding against you, you have been transferred to FTI, A.P. with immediate effect until further order.”

The reason for transfer of the petitioner as apparent from the letter dated August 7, 2024, was a pending enquiry under Section 11 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Learned advocate representing the Internal Complaint Committee (I.C.C.) has produced the resolution of the Internal Complaint Committee. The relevant part of the recommendation is quoted below:

“The IC after taking cognizance of the case and taking note of the sensitivity and the complexity of the case strongly recommends that the respondent, Shri Vipin Vijay, Dean be instructed to proceed on leave with immediate effect and be relieved of all of his official duties till the investigation is concluded. As you are aware office of the Dean is the highest academic office at SRFTI and because of his position his influence and intervention on the witnesses and evidences cannot be secured in his presence in office.”

It is clear that there was never a recommendation by the Internal Committee to transfer the petitioner. Rather the Committee was of the view that the petitioner's absence should be ensured by sending him on leave.

Learned advocate representing the Institute has emphasized the power of the Institute to transfer the petitioner in view of the Clause 36(2) of the Service Bye-Laws of the Institute. He has further submitted that transfer of the employee is an administrative decision and the same should not be interfered with. He has also submitted that there is an alternative remedy of appeal under Clause 44 of the Service Bye-Laws of the Institute.

However, it is my view that the transfer of the petitioner was unjustified, particularly since the Internal Committee itself had recommended that the petitioner be placed on leave. Consequently, there is no basis for transferring the petitioner to Arunachal Pradesh.

Therefore, the transfer order dated July 26, 2024 is hereby set aside.

However, the Governing Council of the Institute will be at liberty to take necessary steps in accordance with law within two weeks from the date of communication of this order.

(Kausik Chanda, J.)