

25.09.2024.
PB
Sl. No.86
Ct. No.15

WPA 24516 of 2024

**Almasur Rahman @ Almasur Rahaman
Vs
State of West Bengal & Ors.**

Mr. Kamlesh Jha,
Mr. Somnath Adhikary,
Mr. Md. Bani Israil.
... For the Petitioner.

Mr. Santanu Kr. Mitra,
Mr. Amartya Pal.
.....for the State.

The petitioner challenges an order dated September 13, 2024, issued by the District Magistrate, 24 Parganas (South), which transfers him as an Executive Assistant from Manirtat Gram Panchayat, Jaynagar II Block to Mathurapur I Block, Paschim Gram Panchayat within the District of 24 Parganas (South).

Mr. Jha, learned advocate for the petitioner contends that on an earlier occasion by an order dated February 9, 2021, the petitioner was transferred from District 24 Parganas (South) to District Murshidabad.

Despite his repeated representations, the said transfer order has not been given effect to. Since the

Pradhan of the relevant Gram Panchayat did not release him, he contends that consequently the petitioner cannot be transferred to the present place of posting.

Learned advocate for the State expresses his suspicion about the genuineness of the transfer order dated February 9, 2021. He submits that on many occasions, similar transfer order were found which did not bear the genuine signature of the transferring authority.

I am of the view since the alleged transfer order dated February 9, 2021, was not implemented, it cannot be considered operative after a period of three and half years. The petitioner also did not challenge the inaction on the part of the Pradhan in not to releasing him from his post.

The present transfer order has been issued in terms of Rule 52(5) of the West Bengal (Gram Panchayat at ADM) Rules, 2004.

This is an intra district transfer whereby the petitioner has been transferred along with 173 other employees on the ground of administrative exigencies.

I am not inclined to interfere with the transfer order.

I, however, grant liberty to the petitioner to make a representation before the District Magistrate

24 Parganas (South) drawing his attention to the transfer order dated February 9, 2021 if it is still applicable for his transfer to Murshidabad District.

If such representation is made within ten days from date, the District Magistrate, 24 Parganas (South) shall consider the same in accordance with law.

The petitioner shall join at his new place of posting in terms of the transfer order dated September 13, 2024, without prejudice to his rights and contentions.

Accordingly, WPA 24516 of 2024 is disposed of.

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

(Kausik Chanda, J.)