

WP.CT. 238 of 2023

(The Director General, Employees State
Insurance Corporation & Ors. Vs.
Dr. Susmita Chaudhuri & Ors.)

Mr. Samrat Chowdhury

..... For the petitioners

Mr. M. N. Roy

Mr. Biswarup Nandy

Mr. Rajesh Kr. Shah

..... For the respondents

The present writ petition has been preferred challenging an order dated 15th November, 2023 passed in the original application being OA No. 1470 of 2023.

Mr. Chowdhury, learned advocate appearing for the petitioners submits that transfer is an incident of service and a clause to that effect stands incorporated in the appointment letter of the respondent no. 1. The order of transfer was passed in consonance with the transfer policy and that as such, no interference was called for. However, by the impugned order dated 15th November, 2023, the learned Tribunal stayed the operation of the transfer order as well as the release order. Let the supplementary affidavit, as filed, be kept on record.

Mr. Roy, learned advocate appearing for the respondent no. 1 submits that the transfer order and the release order were issued without taking into consideration the fact that the respondent no. 1 is undergoing treatment for infertility by IVF method and

such method is a continuous process which takes minimum 06 to 08 months for being completed.

The learned Tribunal directed to issue notice upon the petitioners and the matter was made returnable on 28th November, 2023. Instead of arguing the matter on the returnable date, the petitioners filed the present writ petition on 29th November, 2023. The original application again appeared before the learned Tribunal on 13th December, 2023. From the order dated 13th December, 2023 it appears that the matter has been made returnable today directing that '*interim order(s), if any, to continue till the next date of hearing*'. A limited interim order has been passed by the learned Tribunal and the matter has been made returnable today.

In the said conspectus, we are not inclined to interfere in the present writ petition and the same is dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)