

04.08.2025
Item No.117
Monthly List
Ct. No.26
CHC

MAT 1160 of 2025

Sufi Alam
Vs.
The State of West Bengal & Ors.

Mr. Mohaimenul Mondal, Advocate)
Mr. Sujit Sankar Koley, Advocate
....for the appellant

Mr. Pantu Deb Roy, Ld. A.G.P.
Mr. Pannalal Bandopadhyay, Advocate
...for the State

1. Appeal is directed against an order dated June 25, 2025 passed in W.P.A. 11840 of 2025.
2. Appeal is at the behest of the writ petitioner.
3. Appellant prayed for posting from Barasat Police District to Jangipur Police District/Murshidabad Police District on the ground of health condition in the writ petition as noted by the learned Single Judge.
4. Learned Single Judge considered such writ petition and was of the view that, since, the appellant is an employee of the State Police, the writ petition was not maintainable since, there is a State Administrative Tribunal.
5. In any event, learned Single Judge proceeded to consider the merits of the writ petition and returned a finding that, the writ petition was frivolous and should be dismissed with cost.

6. Learned Single Judge imposed cost of Rs.50,000/- (Rupees Fifty Thousand Only).
7. In this appeal, we requested the learned advocate for the State to inform us as to the medical condition of the appellant.
8. Learned advocate appearing for the State relying upon his written instructions submits that, the appellant is suffering from diabetes, high blood pressure and stomach related disease.
9. Learned advocate for the appellant submits that, the claim of the appellant is not for transfer but one of not doing night duty.
10. Appellant persists on the merits of the appeal. It is submitted on behalf of the appellant, relying upon a medical certificate that the ailments of the appellant are far graver than those submitted on behalf of the State.
11. We requested the learned advocate for the appellant to produce the Doctor who issued the certificate so as to answer the queries of the Court. Such request was declined on behalf of the appellant.
12. In our view, diabetes, high blood pressure and stomach related disease does not prevent to appellant from discharging night duties. More so, he is a member of a disciplined force.
13. We find no merit in the present appeal.

14. We concur with the view of the learned Single Judge that, the writ petition is frivolous. We uphold the order imposing costs.
15. We are of the view that, appeal is also frivolous. Appellant is seeking to extract benefits out of his employer which he is not entitled to, by way of the writ petition and the present appeal.
16. In such circumstances, we dismissed the instant appeal with costs assessed at Rs.1 Lakh in addition to the costs already imposed by the learned Single Judge.
17. Such cost of Rs.1,50,000/- is to be paid by the appellant to the West Bengal State Legal Services Authority, Kolkata within seven days from date.
18. Documentary evidence of payment of costs will be deposited by the appellant with his Commanding Officer within 10 days from date. In default, the costs be realized from out of the salary payable to the appellant and deposited by the State with the West Bengal State Legal Services Authority, Kolkata.
19. State is at liberty to initiate disciplinary proceeding against the appellant for his refusal, if any, in discharging his duties.
20. **M.A.T. 1160 of 2025** is **disposed of** accordingly.

(Debangsu Basak, J.)

(Prasenjit Biswas, J.)