

মমতা ব্যানার্জী
মমতা বৈনর্জী
ممتا بنرجی

Mamata Banerjee



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CHIEF MINISTER, WEST BENGAL

No. 14-CM/2021

31st May, 2021

Respected Prime Minister,

I must confess that I have been shocked and stunned by the unilateral order dated 28th May, 2021 sent to us by the Government of India, asking us to release Sri Alapan Bandyopadhyay IAS, Chief Secretary, West Bengal, so that he may join the Government of India on 31st May, 2021, the normal date of his superannuation.

The unilateral "order" comes without any prior consultation whatsoever with the Government of West Bengal, without any volition / option of the officer, without meeting any of the pre-conditions of the Indian Administrative Service (Cadre) Rules, 1954 and other applicable laws under reference. The unilateral order / directive is legally untenable, historically unprecedented and wholly unconstitutional.

Only a few days back, on my request, you had kindly allowed, and the Government of India had issued an order to extend his service for 3 months as Chief Secretary, beyond 31st May, 2021 for the purpose that he could serve the State severely affected by the second wave of the pandemic of COVID-19 (like the rest of the country) in critical times, which has further been devastated by an extremely severe cyclone. I presume that the said order of 24th May, 2021 granting extension as Chief Secretary, issued after mutual written consultations and on the basis of the reasons deliberated upon during such consultation in accordance with due process, stands and ought to stand in any case. In this regard, I seek your kind confirmation in public interest and in the larger interests of the people of the State of West Bengal in these difficult times.

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The All-India Services themselves and the laws, including rules, framed for it, have federal cooperation as the cornerstone of its legal architecture. The whole aim of the All-India Services has been to protect and give greater cohesion to the federal foundations of this Constitution. With unilateral and non-consultative orders being issued, the federal system is gravely endangered and severely undermined. If a Chief Secretary of a State can be asked to be relieved like this, how can the lower bureaucracy take, obey and implement orders in their letter or spirit from State Chief Minister, other Ministers and officers. I presume and sincerely hope that you do not want to damage the federal amity. I also presume and sincerely hope that you do not want to destroy the morale of all the All India Service officers working in various States across the country.

I really do not understand what happened between your allowing extension to the officer as Chief Secretary a few days back on 24th May, 2021 after Centre- State consultation to enable him to serve the State of West Bengal in these times, and your unilateral order (4 days later) issued in contradiction to the extension granted by you. The unilateral order also does not provide any details, reasons and/ or particulars as to why central deputation of Sri Alapan Bandyopadhyay IAS, Chief Secretary, West Bengal is required suddenly by you only few days after granting an order of extension following due consultation process. Does it have something to do with our meeting at Kalaikunda on 28th May, 2021?

I really and sincerely hope that this latest order is not related to my meeting with you at Kalaikunda. If that be the reason, it would be sad, unfortunate and would amount to sacrificing public interest at the altar of misplaced priorities.



With the above hope, in any case, to recall the correct facts, you had visited Kalaikunda, after an aerial survey of the cyclone-affected areas, to have a meeting with me on 28th May, 2021. I had pre-scheduled aerial surveys and review meetings in the affected areas myself, but I re-scheduled everything to rush to Kalaikunda to attend the meeting with you, accompanied by the Chief Secretary of my State. We did aerial surveys and meetings at Hingalganj in North 24 Parganas and Sagar in South 24 Parganas before flying to Kalaikunda to meet you. I was detained at Sagar, flight permissions were delayed to make room for your movements, and yet I reached Kalaikunda before the scheduled meeting at 2.30 pm, only to show utmost respect to your office, and to have a meaningful discussion with you on the damage caused by the cyclone and measures to mitigate it. Meanwhile, Sri Soumen Mahapatra, a Cabinet colleague who was Minister-in-Waiting, District Magistrate and Superintendent of Police of the District had received you ceremonially at Kalaikunda.

I wanted to have a quiet word with you, a meeting between the Prime Minister and the Chief Minister as usual.

You however revised the structure of the meeting to include a local MLA from your party and I am of the view (based on my knowledge of the affairs of the State for about 40 years) that he had no locus to be present in a PM-CM meeting. You had invited the Hon'ble Governor and some Union Ministers also to the meeting, which I had not objected to (the Hon'ble Governor had no role to play in this meeting either, as per our Constitutional scheme, as you also very well know, but I am refraining from commenting further in this regard as a gesture of propriety and courtesy), but an individual MLA, having no locus, attending the meeting was unacceptable. The Chief Secretary of my State had continually sent messages to a senior officer accompanying you for either getting this issue sorted out, or to arrange a meeting between PM and CM



before that meeting. Despite a series of messages, we got no positive result or response. My Director (Security) was also in touch with the SPG in this regard.

Finally, keeping aside my legitimate reservations, I entered the meeting with the Chief Secretary of my State to hand over our report to you. You personally took the report from my hand, and then I specifically and expressly sought permission from you for us to leave for Digha, our next cyclone-ravaged destination, where a meeting was due and participants were waiting. You expressly permitted us to take our leave. The matter must and ought to end there.

However, in the evening, suddenly, like a bolt from the blue, came the order seeking reversion of the Chief Secretary to Delhi, whereby the State is deprived of his experienced services, he superannuates on that day itself, and the whole episode appears to be suggestive of arbitrariness, unseemly haste, in violation of the Constitutional scheme and the applicable laws. This is so, especially since you had expressly agreed that it was imperative for the Chief Secretary to continue for 3 months after superannuation in the larger interests of the State in the midst of the COVID-19 second wave and thereafter the cyclone. This so-called unilateral order is an unreasoned *volte face* and by your own admission, against the interests of the State and its people. Might I also point out that the Chief Secretary has suffered major personal bereavements very recently and yet continues to leave aside everything only to do his duty towards the people of the State. The decision seems to have been taken with mala fide intention and in hot haste.

Respected Sir, I therefore humbly request you to withdraw, recall, reconsider your decision and rescind the latest so-called order in larger public interest. The Government of West Bengal cannot release, and is not releasing, its Chief Secretary at this critical hour, on the basis of our understanding that

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the earlier order of extension, issued after lawful consultation in accordance with applicable laws, remains operational and valid. The latest order is also clearly in violation of applicable laws and against public interest: it is in any case ab initio void.

I sincerely look forward to earnest federal cooperation in these grim times, the spirit in which I had flown to Kalaikunda to see you on 28th May, 2021. I am sure that you will not inflict further suffering on the people of this State by taking away the services of an experienced officer (the head of the bureaucratic cadre in the State), suddenly without any consultation and with no prior notice, whose continued presence in my State in these difficult times was accepted to be vital and necessary by your Government even 4 days back.

I thus humbly appeal to your conscience and good sense, on behalf of the people of West Bengal and request you to rescind the latest "order".

With regards,

Yours sincerely,

(MAMATA BANERJEE)

**Sri Narendra Modi
Hon'ble Prime Minister of India
South Block, Raisina Hill
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