

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 2124 of 2015 (M)

PETITIONER(S):

**P. JAYANANDAN, AGED 58 YEARS,
S/O. RAMAN, GOKULAM, POST THAZHE CHWOVA,
KANNUR - 670 018, WORKING AS ASSISTANT MANAGER,
KERALA GRAMIN BANK, THAYYIL BRANCH, KANNUR DISTRICT.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT,
SRI.K.N.ABHILASH.**

RESPONDENT(S):

- 1. THE KERALA GRAMIN BANK,
REPRESENTED BY ITS CHAIRMAN,
KGB TOWERS, MALAPPURAM - 673 001.**
- 2. THE GENERAL MANAGER,
HUMAN RESOURCES WING,
KERALA GRAMIN BANK, KGB TOWERS,
MALAPPURAM - 673 001.**

BY ADV. SRI.DEVAN RAMACHANDRAN, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - THE TRUE COPY OF THE APPLICATION DATED 10.04.2012 SUBMITTED BY THE PETITIONER BEFORE THE GENERAL MANAGER OF THE BANK.
- P2 - THE TRUE COPY OF THE TRANSFER ORDER ISSUED BY THE CHIEF MANAGER OF THE NORTH MALABAR BANK DATED 14.05.2012.
- P3 - THE TRUE COPY OF THE ORDER DATED 27.12.2014 UPLOADED IN THE WEBSITE OF THE 1ST RESPONDENT BANK.
- P4 - THE TRUE COPY OF THE ANNEXURE I TO CIRCULAR NO. 195/IRD 30/88 DATED 31.10.1988 ISSUED BY THE GENERAL MANAGER OF THE BANK.
- P5 - THE TRUE COPY OF THE APPLICATION DATED 05.01.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:-

EXT.R1A COPY OF THE RELIEVING ORDER DATED 19/01/2015.

//TRUE COPY//

P.A TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.2124 of 2015

Dated this the 10th day of February, 2015

JUDGMENT

The petitioner while working as Assistant Manager of the Thayyil Branch of the Kerala Gramin Bank ordered to be transferred to Malappuram Branch. This order is under challenge before this Court. The case of the petitioner is that he is the senior most Assistant Manager and he had worked more than 20 years in different outstation and only one more year is left for superannuation. Therefore, the petitioner's transfer to the branch at Malappuram is unsustainable as it is against established norms in the Bank. There was an interim order of *status quo* in this matter.

2. In this matter, a counter affidavit has been filed on behalf of respondents 1 and 2. It is submitted that there are sufficient number of Assistant Managers in the Thayyil

branch and he was transferred to Malappuram branch under the Perinthalmanna Region when one vacancy arose there. It is further submitted that the order under challenge is a common order of transfer and the Bank had taken a decision consistent with the Bank policy and also taking into account of the administrative exigencies of the Bank. It is submitted that there is no *mala fides* in ordering the transfer of the petitioner to the branch at Malappuram.

3. If the petitioner has any grievance against transfer order, it is open for him to raise before the higher authorities against the transfer. The petitioner submits that he has already approached the General Manager, Human Resources Wing by Ext.P5. The petitioner failed to establish any violation of the norms for general transfer followed by the Bank. It is the wisdom of the Bank to arrange or accommodate their officers in appropriate manner. The case

of the petitioner is that he is due to retire within one year. In such circumstances, some leniency may be bestowed on the petitioner while considering his grievances. In the light of Ext.P5, appropriate decision shall be taken by the General Manager, Human Resources Wing within a period of four weeks.

4. The petitioner submitted that in view of the *status quo* order, he did not join the branch at Malappuram. The Bank also submitted that they had taken serious note of the fact that the petitioner did not join the branch at Malappuram as he was relieved much before the interim order was passed. Taking into account of the fact that there was an order of *status quo*, I am of the view that no action shall be taken against the petitioner for non-joining at Malappuram pending the writ petition. The petitioner shall report the branch at Malappuram to which he has transferred, on 13.2.2015.

However, if the petitioner fails to report on 13.2.2015, the Bank is at liberty to take appropriate action against the petitioner.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE

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