

*** THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

+ WRIT PETITION No. 28257 OF 2014

% Dated 10.04.2015

Oruganti Suryanarayana Murthy

S/o Bhyravasastry

Working as Office Assistant

A.P. Grameena Vikas Bank at Arasavelli

Srikakulam District Petitioner

Vs.

\$ A.P. Grameena Vikas Bank

Head Office at Warangal

Rep. by its General Manager

Warangal Town & District Respondents

! Counsel for the petitioner : Smt. Akella Padma

^ Counsel for the respondents : Sri K. Srinivasa Murthy

<GIST:

> HEAD NOTE:

? Cases referred

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO. 28257 OF 2014

-

ORDER:

This writ petition is filed by an Office Assistant working with the A.P. Grameena Vikas Bank at its Arasavelli Branch in Srikakulam District. He challenges the order passed on 15.09.2014 transferring him and posting him to far away Bhadrachalam Branch of the Bank.

The grievance of the petitioner is two fold: (1) While he was working at Korada Branch, Srikakulam District, he was transferred and posted to Arasavelli Branch and he joined the Arasavelli Branch as an Office Assistant only pursuant to such a transfer order dated 05.07.2014. In less than two months time thereafter, the impugned order transferring him far away to Bhadrachalam in Khammam District is passed. Smt.A. Padma, learned counsel for the petitioner would urge that the first respondent-Bank has itself framed a policy for purposes of effecting transfers of it's employees. There is a structured frame as to how employees must be allowed to be retained at one particular place for a reasonable tenure and thereafter, the transfers to be undertaken. Even while effecting transfers, no office assistant shall be transferred beyond three contiguous regions, whereas, in the instant case, the petitioner has been transferred even before he has completed two months of tenure at Arasavelli Branch and that too he has been shifted beyond the three regions to Bhadrachalam. Therefore, the guidelines framed by the Bank itself have been breached. This apart, if the first respondent-Bank, according to the learned counsel for the petitioner, is seeking to penalize the writ petitioner, the least that it is expected of the first respondent-Bank was to put the petitioner on notice and make him be aware of the allegations subject to which he has been transferred and provide him an opportunity to meet the case of the bank before effecting the order.

Ms. Uma, learned Standing Counsel for the Bank would urge that the writ petitioner in the normal course of events would not have been preferred to be shifted out of Arasavelli Branch. But however, as soon as he has joined at Arasavelli Branch, he started giving any amount of trouble to the customers of the Bank, as a result of which the customers have threatened the Bank to withdraw their deposits from the bank itself and move away to some other bank. To avoid any such pitiable condition emerging, the first respondent-Bank considered it appropriate to transfer the petitioner.

Sometimes, if an Office Assistant is conducting his business in his office strictly as per the rule book, the same may be viewed with disfavour by others. But however, if there is an allegation made against the petitioner by some customers, the least that the first respondent should do was to address the grievance of the customers. The interests of the customers are also equally important, while the welfare of the employees of the organization is also equally important. Therefore, the action of the Bank in subjecting the petitioner to a transfer even before he completed three months of tenure at Arasavelli Branch, in the facts and circumstances set out in the instant case may not be faulted. The guidelines or instructions framed by the Bank would only regulate the normal exercise of transfers, but it will not operate when the bank was called upon to deal with certain extraordinary circumstances. Therefore, I have no hesitation to hold that the impugned order dated 15.09.2014 transferring the petitioner to Bhadrachalam Branch cannot be faulted on the ground that it is in violation of the guidelines framed by the Bank. As it is, the guidelines do not have any statutory flavour and hence, they lack enforceability. Guidelines are framed by the employer to regulate their own exercise of discretion. When guidelines are stipulated, the authority competent to exercise the power will act not only transparently, but within the four corners of the guidelines so that, least inconvenience would be caused to the other employees.

Therefore, ends of justice would be adequately served if I direct the petitioner to make a representation seeking a transfer to any other place other than seeking retention at Arasavelli Branch by indicating three places of his choice, so that, depending upon the feasibility and the administrative convenience, the first respondent-Bank may consider it appropriately and pass orders thereon within a fortnight from the date of receipt of the said representation. Till the disposal of the representation, however, the petitioner may be permitted to function at Arasavelli Branch, provided he does not invite any further criticism or complaints against his style of functioning.

With this, the writ petition stands disposed of. No costs.

Consequently, miscellaneous applications pending shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

10.04.2015

Sp

Note: LR copy to be marked

b/o

sp