

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 13274 OF 2015

ORDER:

The petitioner, who is functioning as a Chief Manager with the 1st respondent bank at its Krishna Nagar Branch in Kurnool District, challenges the orders passed by the General Manager of the 1st respondent bank on 11.04.2015 transferring and posting him at Porumamilla Branch in Kadapa District.

Heard Ms. A. Harija, learned counsel for the petitioner and Ms. Uma, learned Standing Counsel for the 1st respondent bank.

Ms. Harija would submit that the petitioner has been rendering good service and his services have come to be appreciated on several occasions and it has also resulted in the Government of Andhra Pradesh awarding him a certificate of commendation on the 65th Republic day on 26.01.2014 for his outstanding work during the year 2013-14. Similarly, as recently as on 10.10.2014, the 1st respondent bank presented the petitioner a certificate in recognition of his best performance. All through, the petitioner was found to be performing to the satisfaction of the high rank officials of the 1st respondent bank. However, with a view to accommodate the interests of the 2nd respondent herein, the petitioner has been abruptly transferred, though the guidelines framed by the 1st respondent bank itself would reveal that normally the bank will not transfer its employees from one station to another before completion of three years' tenure. Since the 1st respondent bank has acted contrary to the guidelines, the learned counsel would urge that the order of transfer posting the petitioner at Porumamilla Branch, Kadapa District should be withheld.

Per contra, Ms. Uma, learned Standing Counsel would contend that the performance of the 1st respondent Grameena Bank is depending upon the good work performed by every one of the employees of the bank. The Grameena Banks across the spectrum are facing a very stiff challenge from the private sector banks. To stay afloat in the market and also to earn a decent return on the investments made, every Branch Manager of the 1st respondent bank has to throw his lot behind the functioning of the bank itself. The learned Standing Counsel would urge that

taking various factors and circumstances into consideration, the 1st respondent bank would be causing least inconvenience to its staff members, all the more so if such staff members are performing good work. In the instant case, based upon the instructions received, Ms. Uma would submit that the branch where the petitioner is currently working, namely Krishna Nagar in Kurnool District is fairly a large branch and consequently, the performance of the petitioner in certain areas was noticed by the bank as requiring improvement. Since his performance in relatively lesser- size branches was considered to be good, on administrative considerations and grounds, the General Manager of the 1st respondent bank has thought it appropriate to transfer him to Porumamilla Branch in Kadapa District, so that he will be able to further improve upon his performance and then, reach a stage where he will be able to handle higher responsibilities with the same amount of skill. Ms. Uma would also submit that if the petitioner has got any particular hardship or difficulty in moving out of Krishna Nagar Branch and particularly, to Porumamilla Branch, if he submits a representation to the 1st respondent bank proposing three different branches where he would prefer to be posted, the bank will certainly consider the same and suitably modify the order dated 11.04.2015.

The court, exercising judicial review power under Article 226 of the Constitution, is not, in fact, concerned with the merits of an administrative order passed by a competent authority, but is only concerned with the decision-making process. When once transferability from one place to another is part of the conditions of service, no resistance can be offered for any such order of transfer passed by the competent authority. It will be relevant to notice that the interests of the employer far outweigh than the private interests of the employee of the supernumerary hardships, which he would be facing as a consequence of the transferability from one place to the other. Insofar as the guidelines, which are framed are concerned, every model employer would put in place certain guidelines to regulate the exercise of discretion vested in it. Guidelines add to the transparency and improve upon the quality of performance of all concerned. The guidelines being non-statutory guidelines cannot be enforced through the process of the Court. Therefore, while I concede the stress laid by Ms. Harija that an employee, who has been putting good service should not be subjected to frequent transfers from place to place, bringing about a demoralizing effect on him which will show up on his scale of performance, at the same time, the suggestion made by Ms. Uma, learned Standing Counsel is really welcome.

Therefore, the petitioner shall draw up an appropriate representation setting forth the difficulties and hardships, which he will be facing in moving to Porumamilla, and identifying three places where he would have less difficulties to move, and submit the same within a period of one week from today and upon receipt of the same, the 1st respondent bank shall consider and take the most appropriate and suitable decision by way of modification of the impugned order and communicate the same to the petitioner, at the earliest. Till then, however, the petitioner shall be allowed to continue at Krishna Nagar Branch.

In view of this conclusion, which I have reached, I have considered it as redundant to put the 2nd respondent on notice.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

30th April 2015

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