

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT APPEAL No.768 of 2015

ORDER: (Per Hon'ble Sri Justice Nooty Ramamohana Rao)

This Writ Appeal is directed against an interlocutory order passed in W.P.M.P.No.22205 of 2015 in W.P.No.17120 of 2015 instituted by the respondent herein.

Normally against an interlocutory order, we will be very slow to interfere. However, in the instant case, we have noticed that the respondent/writ petitioner, who was working as a Special Assistant at Markapur Branch of the State Bank of India has been initially transferred to Pamur Agricultural Development Bank (ADB) Branch. That was subsequently modified to Cumbum Branch in Prakasam District. The case of the respondent/petitioner is that as per the policy formulated by the State Bank of India, male employees who are beyond the age of 55 may not be transferred at all and other guidelines found also clearly indicate that the centre is a town or city up to the municipal limits and urban agglomeration or a territorial area as per the census of India and at Markapur, which is a Municipality, there is another branch of the Bank and hence, the writ petitioner could not have been transferred totally out of Markapur town.

We have found the relevant extract of the transfer policy, particularly, Chapter 16 thereof at page No.19 of the paper book filed in this writ appeal, any enlightened management of an organization would prefer to conduct its affairs transparently and fairly, it would like to formulate and exhibit the guidelines openly so that all concerned will regulate their affairs accordingly. So long as the transferability of an employee exists, he can hardly challenge the same on tenable grounds. Unless the said transfer is contrary to any statutory scheme

or it was resorted to as an act of vengeance, so that such an order can be described as a *mala fide* exercise of power. When we enquired from the learned Standing Counsel for the Bank, Smt. V.Uma Devi, the learned Standing Counsel would submit that there is a serious discrepancy noticed with regard to huge cash inflows into the bank account of the writ petitioner/respondent herein in between 2012-2015 as more than Rs.55.00 lakhs has been credited to his bank account. Therefore, the Bank has a reasonable apprehension that the writ petitioner is indulging in something more than what he is supposed to as an employee of a Bank. In those circumstances, the impugned order of transfer has been affected shifting the petitioner to nearby Cumbum Branch which is hardly 50 kms. away from Markapur.

Unfortunately, the learned Single Judge has not made any assessment as to where the balance of convenience would lie for granting interim order staying the operation of the transfer order. Since we have not found any justifiable reason for this Court to interfere with an administrative order of transfer, we are inclined to set-aside the order passed on 13.08.2015 extending the earlier interim order by a further period of four weeks. However, we preserve liberty to the writ petitioner/respondent herein to approach the competent superior authority then the one who has passed the order of transfer and solicit his intervention. We are confident that, as and when any such representation is submitted, the same will receive proper and adequate consideration.

Accordingly, the writ appeal is disposed of.

Consequently, miscellaneous petitions, if any, pending shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

18.08.2015
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JUSTICE ANIS