

IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

CWP No.8966 of 2015 (O&M)

Date of Decision:27.05.2015

Reena Goyal

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J.S. Khiva, Advocate for the petitioner.

Ms. Minakshi Goyal, A.A.G. Punjab.

Mr. H.N. Mehtani, Advocate
for respondents No.2 to 4.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest.

DEEPAK SIBAL, J. (Oral)

C.M. No.7085 of 2015

Through this application, written statement on behalf of
respondent No.4 is sought to be placed on record.

Allowed as prayed for.

Civil miscellaneous application stands disposed of.

C.M. No.7128 of 2015

Through this application, written statement on behalf of
respondent No.3 is sought to be placed on record.

Allowed as prayed for.

Civil miscellaneous application stands disposed of.

Main case

Affidavit on behalf of respondent No.1 filed in Court today is
ordered to be taken on record. Copy thereof has been handed over to the

counsel for the petitioner.

Through the present petition, the petitioner seeks quashing of order dated 19.3.2015 (Annexure P-5) through which the petitioner has been transferred from Cheema Branch to Karala Branch of the respondent-Malwa Gramin Bank (hereinafter referred to as the “Bank”). The petitioner further prays for issuance of a direction to the respondent-Bank to conduct an enquiry into the allegations levelled by her against respondent No.4.

I have heard learned counsel for the parties and perused the record of the case.

The petitioner has challenged her transfer order on the ground of *mala fide* on the part of respondent No.4. It is stated that she has been ordered to be transferred by respondent No.4 because she had submitted a complaint against the misbehaviour of respondent No.4 qua her. The petitioner further questions the competence of respondent No.4 in issuing the impugned transfer order.

The response to the writ petition filed by respondents No.3 and 4 shows that the complaint made by the petitioner was duly investigated and through report dated 16.3.2015, the same has been found to be false. In this investigation/enquiry, the petitioner was duly associated and so were other lady employees working in the Branch. It may be noticed that all the other lady members working in the Branch had vouched for a good character of respondent No.4. The enquiry report which has been annexed with the written statement filed by respondent No.3 as Annexure R-1 has not been challenged by the petitioner. In fact the averments made in the respective written statements filed on behalf of respondents No.3 and 4 have not even been controverted by the petitioner as no rejoinder to the same has been

filed.

Further a perusal of order dated 18.3.2015 (Annexure P-6) shows that the transfer of the petitioner was not ordered by respondent No.4 as alleged but by the Chairman of the respondent-Bank who was competent to do so. The transfer order was merely conveyed to the petitioner by respondent No.4.

The challenge in the present petition is to the transfer of the petitioner which carries no stigma, which is an incidence of service and is apparently due to the atmosphere created on account of the complaints being filed by the petitioner against respondent No.4 who is the Branch Manager.

In the written statement filed on behalf of respondent No.4, it has categorically been stated that the petitioner did not have customer friendly attitude and was in the habit of making frequent telephone calls and even reading newspapers in the office hours. It has been stated that since respondent No.4 asked her to mend her ways, she filed false complaints against him. The written statement filed by respondent No.4 has not been controverted by the petitioner as no rejoinder to the same has been filed.

In view of the above, finding no merit in the present petition, the same is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

27.05.2015
rajeev