

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) No.4911/2014**

% **18th March, 2015**

SHRI D.K. SOOD & ANR. Petitioners

Through: Mr.Ashok Bhalla with Mr.Rajeev
Kumar, Advocates.

versus

PUNJAB NATIONAL BANK Respondent

Through: Mr.Jagat Arora and Mr.Rajat Arora,
Advocates.

+ **W.P.(C) No.4930/2014**

RADHEY SHYAM KHARBANDA Petitioner

Through: Mr.Ashok Bhalla with Mr.Rajeev
Kumar, Advocates.

versus

PUNJAB NATIONAL BANK Respondent

Through: Mr.Jagat Arora and Mr.Rajat Arora,
Advocates.

+ **W.P.(C) No.4993/2014**

PRADEEP KUMAR KHANNA & ORS. Petitioners

Through: Mr.Ashok Bhalla with Mr.Rajeev
Kumar, Advocates.

versus

PUNJAB NATIONAL BANK Respondent

Through: Mr.Jagat Arora and Mr.Rajat Arora,
Advocates.

+

W.P.(C) No.5024/2014

K.K. MALHOTRA & ORS.

..... Petitioners

Through: Mr.Ashok Bhalla with Mr.Rajeev
Kumar, Advocates.

versus

PUNJAB NATIONAL BANK

..... Respondent

Through: Mr.Jagat Arora and Mr.Rajat Arora,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. Petitioners, who are employees working in the clerical cadre/Junior Management Grade (JMG) Scale-I of the employer/Punjab National Bank, question the action of the employer/Bank in firstly notifying a policy dated 22.7.2014 that on promotion to JMG Scale-I, people above 57 years will not be transferred, but that policy was subsequently changed and replaced by a new policy dated 02.8.2014 which did away with this clause i.e the effect was that employees above the age of 57 years on promotion were liable to be transferred.

2. The relevant para of the policy dated 22.7.2014 reads as under:-

“

d) Exceptions	A. The following category of candidates shall be considered as special category candidates:- i. Physically Handicapped candidates. ii. Candidates having mentally retarded children. iii. Candidates of more than 57 years of age as on 30.6.2014. B. Such candidates, in order of preference as above may be retained in their parent Circles, subject to availability of vacancy(ies), before effecting inter-circle transfers. Such candidates may therefore submit their parent circle as first option.
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3. The relevant clause of the amended policy dated 02.8.2014 reads as under:-

“

d) Exceptions	A. The following category of candidates shall be considered as special category candidates:- i. Physically Handicapped candidates. ii. Candidates having mentally retarded children. B. Such candidates, in order of preference as above may be retained in their parent Circles, subject to availability of vacancy(ies), before effecting inter-circle transfers. Such candidates may therefore submit their parent circle as first option. C. Special category candidates may
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	submit any other Circle as first option which will be considered subject to availability of vacancy(ies), before effecting inter-circle transfers. In case no vacancy is left for the Circle opted by the special category candidates, they will be retained in parent Circles. D. The special category candidates of the Circles within the jurisdiction of FGMO Delhi and HO Division shall however be allocated to any Circle within the jurisdiction of FGMO Delhi/HO Divisions subject to availability of vacancies. Such candidates may submit Delhi/Noida as first option.
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4. The grievance of the petitioners is that the employer/Bank has suddenly changed the requirement that the people above 57 years of age will be transferred only because of pressure put by an association of employees of the respondent/Bank. It is also argued that there cannot be sudden changes once an option is exercised by an employee in terms of the earlier policy dated 22.7.2014 i.e since an employee is above 57 years he hence cannot be transferred since such an employee has already exercised an option in terms of the earlier policy dated 22.7.2014 to not get transferred.

5. In my opinion, the arguments urged on behalf of the petitioner totally lack substance because this Court cannot substitute itself for the employer for taking an administrative decision as to how the affairs of a Bank have

to/can be run, especially as regards a Bank which has branches and administration all over the India. Courts cannot step in with respect to the policy decisions with respect to administration of an organization, and even for the sake of argument, if it is presumed that the respondent/Bank has changed the policy for transfer for employees over 57 years of age on account of the pressure put by an association of employees, yet, in spite of that it cannot be doubted that for maintaining industrial relations, the employer can first make a policy and thereafter even change that policy. The powers of the employer to re-frame a policy guideline or change the policy *in toto* even cannot be doubted, and there is no law that an employer must function only under a particular policy and it cannot carry out administration by transferring its employees, that too only because certain employees so want.

6. Dismissed.

MARCH 18, 2015
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VALMIKI J. MEHTA, J