

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.44017 of 2016 &
W.M.P.Nos.37823 & 37824 of 2016

Mrs.K.Vinitha

.. Petitioner

-vs-

1.The Chief Manager-HR,
State Bank of India,
Network-1, Chennai Zone 2 HR Section,
No.86, 4th Floor, Rajaji Salai,
Chennai-600 001.

2.The Deputy General Manager (B&O),
Chennai Zone II,
No.86, 4th Floor,
Rajaji Salai,
Chennai-600 001.

3.The Regional Manager,
State Bank of India,
No.157-2A, 2nd Floor,
Pandurangan Towers,
Indira Nagar (East), Vengikkal,
Thiruvannamalai-606 604.

4.The Branch Manager,
State Bank of India,
Chengam Branch, Bangalore Road,
Thiruvannamalai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records leading to the issue of impugned orders letter dated 06.08.2016 on the file of the 4th respondent, letter No.RBO-6/HR/11/723 dated 09.11.2016 and consequential order No.RBO-6/HR/11/764 dated 01.12.2016 on the file of the 3rd respondent quash the same and directing the respondents 1 to 3 to consider the petitioner representation dated 27.10.2016 and reminder letter dated 19.11.2016 in the light of the order passed by the Ministry of Finance, Department of Financial Services, Government of India made in F.No.4/9/1/2014-IR dated 08.08.2014.

ORDER

This writ petition has been filed seeking writ of Certiorarified Mandamus to call for the entire records leading to issue of the impugned order dated 06.08.2016 by the Branch Manager, State Bank of India, Chengam Branch, Bangalore Road, Thiruvannamalai District, for transferring the petitioner to Arni Branch and another letter No.RBO-6/HR/11/723, dated 09.11.2016, advising the petitioner to report for duty to Tiruvannamalai Branch (00938) immediately without any further delay and consequential order RBO-6/HR/11/764, dated 01.12.2016, once again remind the petitioner to report for duty to Thiruvannamalai Branch (00938) immediately without any further delay failing which, the matter will be dealt with accordingly, deemed fit by the appropriate authority and to quash the same and directing the respondents 1 to 3 to consider the petitioner's representation dated 27.10.2016 and reminder letter dated 09.11.2016 in the light of the order passed by the Ministry of Finance Department of Financial Services, Government of India made in F.No.4/9/a/2014-IR dated 08.08.2014.

2.Learned counsel for the petitioner would submit that the petitioner was appointed as Clerk-cum-Typist in the respondents bank, Thirupattur Branch on 20.06.1991 and subsequently, she was transferred to Ponneri on 27.05.1994. While she was working at Ponneri, she was granted promotion to the post of Clerical Higher Grade in 2005. However, from the middle of the year 2005 to July 2009, when she was working at State Bank of India, Thiruvallur Branch, she was promoted again to the post of Assistant Manager in the month of August, 2009 and subsequently, she was posted to Pondicherry Branch. Thereafter, on 08.07.2013, she was posted to Chengam Branch, Tiruvannamalai District. All along, when she was working and performing her duties as Manager Operations at State Bank of India, Thattanchavady Branch, Puducherry, she had been facing lot of problems at the hands of the Branch Manager, in which, she was forced to submit her resignation on 14.03.2011. Since she was not able to share the secret Core Banking Solutions Password reported the matter to higher authorities about the misbehaviour of the staff members including the Branch Manager, Thattanchavady Branch, finding no peaceful solution, she was forced to tender her resignation and she has also subsequently given a complaint against them. When she made a complaint about the misbehaviour of the Branch Manager and staff members of Thattanchavady Branch, the same was not considered and no reply has been given till date by the respondents. Pursuant to the complaint, she has received a letter from the Deputy General Manager (B & O), Chennai Zone II, Chennai/second respondent, on 24.09.2013, permitting her to rejoin the duty by imposing several conditions. Then, she was again posted to Chengam Branch, Thiruvannamalai District, which was considered by the staff members as a punishment zone for every bank staff. Since the petitioner has given her resignation on 24.05.2011, followed by complaint, she has been victimized by way of transfer, it is pleaded. Therefore, the impugned transfer letters are liable to be interfered with. Adding further, she would further submit

that when her parents are residing in Pondicherry and her only daughter is studying at Chidambaram, her request to transfer to Pondicherry cannot be refused by the respondents.

3. Adding further, it is contended that in the light of the Circular, dated 08.08.2014, issued by the Under Secretary to the Government of India, Ministry of Finance, Department of Financial Services, advising all the Public Sector Banks to frame a policy on the subject with the approval of their Board suitably incorporating the following two conditions:

(i) to accommodate as far as possible placement/transfer of married female employee, on her request, at a place where her husband is stationed or as near as possible to that place or vice versa and

(ii) to accommodate as far as possible placement/transfer of unmarried female employee on her request, at a place where her parents are stationed or as near as possible to that place.

4. As per the said conditions, the request of the petitioner could have been accommodated. Therefore, when the petitioner has made repeated representations for transfer to Pondicherry, to take care of her parents and her in-laws, transferring the petitioner from Arni to Tiruvannamalai overlooking her request is nothing but an act of victimization as pleaded.

5. But this Court is not able to find any justification or merits in this writ petition challenging the impugned transfer. When the Circular, dated 08.08.2014, clearly mentioned that female employees of Public Sector Banks, married or unmarried when transferred away from their husband or parents, as the case may be, to distant locations face some hardships and develop a feeling of insecurity, a direction was issued to all the Public Sector Banks to frame a policy on the subject with the approval of their Board suitably incorporating the above guidelines.

6. Moreover, the petitioner had admitted that she has made a representation to the third respondent on 09.04.2015 seeking a transfer to Chidambaram citing a reason that her daughter is studying at Chidambaram and that her husband is working at Chennai. However, the third respondent did not consider the same. Again, she made a representation dated 27.10.2016 to the first respondent requesting for a transfer to Pondicherry to take care of her family members as her mother, aged about 82 years, need her care and treatment. The above said two representations show the double stand taken by the petitioner for her transfer to two places; (i) Chidambaram and (ii) Pondicherry.

7. It is settled law that transfer of a Government Servant or employee of the Public Sector Undertaking appointed to a particular cadre of transferable posts from one place to another is an incident of service. No Government Servant or employee of

Public Sector Undertaking has legal right for being posted at any particular place. Transfer from one place to another is generally a condition of service and the employee has no choice in the matter. Transfer from one place to another is necessary in public interest and efficiency in the public administration.

8.Thus, this Court, finding no merits in this writ petition, is inclined to dismiss the same and accordingly, the same is dismissed. Consequently, connected miscellaneous petitions are dismissed. No costs.

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Assistant Registrar(CS II)

/true copy/

Sub Assistant Registrar

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To

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+1cc to Mr.N.Naganathan Advocate SR.No.76021.

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