

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 20208 of 2016
Date of decision:27.9.2016

Bhim Singh

... Petitioner

Versus

State of Haryana & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amit Khatkar, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

The posting and transfer of the petitioner is vice Amarjeet Punia. No ground for interference in this matter is made out. It is not enough to complain that the petitioner is a heart patient who has medical problems with stents inserted in his heart to make for sufficient ground to set aside his transfer only on account of the fact that it has been ordered seven months short of reaching the age of retirement. The petitioner is due to retire in July, 2017. He has been transferred from Bhiwani to Mahendergarh vice one Amarjeet Punia. Amarjeet Punia has not been impleaded as respondent and therefore, it would not be possible to pass an order behind the back of Amarjeet Punia. Even otherwise, the policies of transfer are not inflexible media and are always open to adjustments in the exigencies of administration, a right recognized in the employer to make its arrangements to run its affairs unless the transfer is visited by bias, malice, arbitrariness and the like, or the transfer is actuated by mala fides and in colourable exercise of power to transfer. The business here is of running a Bank, which may have special considerations as Bankers dealing with its staff holding positions of trust based on an absolute good faith since they

deal with money and to order transfers to invigorate its banking business which is purely a managerial function.

Hence, I would not think it appropriate to interfere in this matter directly and instead grant liberty to the petitioner to approach the authorities in the Bank to consider his case for change of posting or retention at Bhiwani for which he may substantiate his case with sufficient proofs. This Court has no doubt that in case a representation is made, it will be decided by the transferring authority in the respondent Bank within one week from the date the representation is made, in case it has not already been.

With these observations and directions the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

27.09.2016
monika

Whether speaking/reasoned *Yes*

Whether reportable *No*