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

+ **W.P.(C) 5518/2016 & CM No.23072/2016**

MANOJ KUMAR Petitioner
Through : Mr. Anshuman Ashok, Advocate

versus

UNION BANK OF INDIA & ORS Respondents
Through : Mr. O.P. Gaggar, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **03.06.2016**

1. The present petition has been filed by the petitioner impugning the Staff Circular dated 3.5.2016, issued by the respondent on Transfer/Posting of Officers promoted to MMGS-II under Fast and Normal Track and calling upon all the promotee officers under transfer to report to the concerned FGMO for further posting on or before 10.5.2016 (Annexure P-9).
2. Learned counsel for the petitioner states that the Staff Circular dated 3.5.2016 runs contrary to the Revised Transfer Policy dated 18.12.2003 issued by the Human Resource Management Department of the respondent (Annexure P-3). He submits that the Revised Transfer Policy dated 18.12.2003 was again revised by the respondent on 24.9.2012 (Annexure P-4). As per the Revised Transfer Policy dated 18.12.2003, the petitioner ought to have been retained in his parent State for a period of three years which in this case is the NCT of Delhi. However, in a period of less than

one year on being posted to Delhi, he has been transferred under the impugned Staff Circular.

3. Counsel for the respondents, who appears on advance notice, states that the service regulations of the respondent/Bank mandates that every officer is liable for transfer to any office or branch of the Bank or at any place in India and therefore, the petitioner cannot raise a grievance about his transfer to Varanasi, UP. He further states that even the clause that the petitioner is relying upon, i.e., Clause III of the Revised Transfer Policy dated 18.12.2003 relating to promotion, has clarified *inter alia* that in the event the retention of the officers in their parent State results in their being supernumerary or it hinders the transfers back to the parent State of those who have completed three years out of their parent State and are due for transfer back to their parent State, the said exemption would not apply. It is in this background that it is stated that the petitioner having been promoted to the post of MMGS II on 15.2.2016, has been transferred to the zone mentioned against his name along with 265 other promotees, as per the list enclosed with the impugned Staff Circular dated 3.5.2016.

4. At this stage, counsel for the petitioner states that the petitioner had submitted a detailed representation dated NIL to the respondent duly acknowledged by them on 7.5.2016, requesting for cancellation of his transfer order, but the same has not been replied to till date.

5. Counsel for the respondents states that the respondents shall ensure that the said representation is considered and decided by the competent authority within one week from today.

6. Having regard to the said submission, the present petition is disposed of with directions issued to the respondents to consider and decide the petitioner's representation by passing a speaking order within one week.
7. The Court is informed that the petitioner has already been relieved from his present place of posting, i.e., Delhi, but has taken leave for a period of one week.
8. That being the position, the Court is not inclined to accede to the request of the counsel for the petitioner that an interim order be passed in favour of the petitioner.
9. The writ petition is disposed of, along with the pending application.
Dasti to the respondents.

JUNE 03, 2016

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HIMA KOHLI, J