

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7178 of 2017

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Ranjita Kumari Wife of Suman Kumar Resident of Mohalla- Sao
Muhalla, Police Station - Mahnar, District - Vaishali. Presently
residing at Gewal Bigha, Police Station - Rampur, District-Gaya

.... Petitioner/s

Versus

1. The Managing Director, Magadh Central Cooperative Bank
Limited, Gaya
2. The Chairman, Magadh Central Cooperative Bank Limited, Gaya
3. The Member, Board of Director, Magadh Central Cooperative
Bank Limited, Gaya
4. The Branch Manager, Magadh Central Cooperative Bank Limited,
Branch Gaya, District- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 05-09-2017 Heard learned counsel for the petitioner.

In view of the present case, notices had been issued to the
Respondents No. 1 to 4 which has been duly received.

On the last occasion, when the matter was taken up, this Court
had interfered in this matter and while issuing notices to the
Respondents, the impugned orders contained in Annexure-3 had been
kept at abeyance. Though, notices have been validly served, there is no
representation on behalf of the Managing Director, Magadh Central Co-
operative Bank Limited and Others.

From a bare perusal of the Annexure-1 which is appointment
letter of the petitioner, it is apparent that she had been appointed to the
post of Assistant Manager Scale-1 in the Magadh Central Co-operative
Bank Limited, Gaya.



It is evident from the table of the Staff of Gaya Branch of the said Bank for the month of February, 2017 that the petitioner was drawing her salary in the basic scale pay of Rs. 15,700/- and was designated as Assistant Manager.

However, it appears from the impugned order at Annexure-3 that the petitioner has been termed as an Assistant and has been transferred to a similar post of Assistant at the Tekari branch of Magadh Central Co-operative Bank Limited, Gaya. Her representation dated 27.04.2017 has not been addressed by the concerned respondents.

It is well known in service jurisprudence that transfer is an incidence of service, but such transfer cannot be made in violation of the basic principles of service jurisprudence also. The order transferring the present petitioner also appears to be punitive in nature and she has been demoted to the post of Assistant which cannot be permitted by any stretch of imagination.

In view of the fact that there is no representation on behalf of the Magadh Central Co-operative Bank Limited, Gaya, to address the said contention of the petitioner or oppose the same, this Court is inclined to interfere in the matter and hold the same to be wholly illegal and arbitrary and against the settled principles of law.

The impugned order as contained in Annexure-3 (Memo No. 36 dated 13.04.2017) is, thus, set aside.

The petitioner is thus directed to be posted back to her original place of posting.



The writ application stands allowed.

However, there shall be no order as to costs.

It goes without saying and if the petitioner had continued to function pursuant to the interim order passed by this Court, the Respondents shall ensure that the salary of the petitioner for the intervening period is released forthwith.

(Anjana Mishra, J)

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