

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.870 of 2017

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1. Madhavi, W/o Sri Ashish Kumar, resident of Mohalla- Raja Bazar, D-31, Ashoka Tower, District- Patna.

.... Petitioner/s

Versus

1. The Managing Director & Chief Executive officer, Corporate office, Indian Bank 254-260, Avvai Shanmugam Salai Roypettah, Chennai- 600014.
2. The Executive Director, Corporate Office, Indian Bank 254-260, Avvai Shanmugam Salai, Roypettah, Chennai- 600014.
3. The General Manager, Human Resource Management Department, Central Office, Chennai, Corporate office, Indian Bank 254-260, Avvai Shanmugam Salai Roypettah, Chennai- 600014.
4. The Deputy General Manager, Human Resource Management Department, Central Office, Chennai, Corporate Office, Indian Bank 254-260, Avvai Shanmugam Salai, Roypettah, Chennai- 600014.
5. The General Manager/Zonal Manager, Bangalore Zone, Indian Bank Zonal Office Bangalore, 4th Floor East Wing 26/27 Raheja Towers, M.G. Road, Bangalore, Karnatka- 560001.
6. The Asstt. General Manager/Second in Command, Bangalore Zone, India Bank Zonal Office Bangalore, 4th Floor East Wing 26/27 Raheja Towers, M.G. Road, Bangalore, Karnatka- 560001.
7. The Deputy General Manager, Zonal Manager, Patna Zone, Indian Bank Zonal Office, 1st Floor, Govind Bhawan, New Dak Bunglow Road, Patna- 800001.
8. The Deputy General Manager/Zonal Manager, Patna Zone, Indian Bank Zonal Office, 1st Floor, Govind Bhawan, New Dak Bunglow Road, Patna- 800001.
9. The Asstt. General Manager, Second in Command, Patna Zone, Indian Bank Zone Office, 1st Floor, Govind Bhawan, New Dak Bunglow Road, Patna- 800001.
10. The Branch Manager, Cubbonpet Branch, Indian Bank, Hamid Shah Complex No.- 2, Cubbonpet Bangalore- 560002.
11. The Branch Manager, Indian Bank, Kankarbagh, Patna -800020.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. J. K. Karn
For the Indian Bank : Mr. Sanjay Singh Thakur,
Mr. Prashant Sinha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-11-2017

Heard learned counsel for the petitioner and learned
counsel for the Indian Bank.



In the present writ petition, petitioner is challenging the order dated 20.5.2016 passed by the General Manager (HRN), CO HRM Department of Indian Bank by which she has been transferred from Patna to Bangalore.

It appears that after granting promotion from scale II to Scale III the officers were transferred to different Zones. The letter dated 20.5.2016 indicates place of their posting. The name of the petitioner is standing at sl. no. 143 and she has been transferred from Patna to Bangalore. When she received the letter she has sacrificed her promotion on account of the fact she wants to live with her husband who is also in Union Bank, posted at Bettiah, Bihar. It has been stated that she has small kid of two years for the welfare of the family she did not want to take benefit of promotion but wants to stay with her family. Earlier the benefit on the ground of spouse was given but on account of promotion to Scale III she has been transferred to Bangalore.

In the representation petitioner has stipulated that she could join the new place of posting on that account, promotion of petitioner has been forfeited. She requested, she should be allowed to remain along with her family but the Bank is insisting her to join at Bangalore and for unauthorized absence a departmental proceeding has been initiated.



This Court is not giving any opinion on the departmental proceeding that will take its one course.

But question is that she has mad sacrifice of her promotion for the welfare of the family, in such circumstances, she should not be pushed out from the present place of posting and compelled to join at Bangalore. Certainly she cannot get the promotion Scale II to Scale III and she will remain in Scale II.

In such view of the matter, the order of transfer of the petitioner to Bangalore dated 20.5.2016 is set aside but petitioner will remain here in Scale II for the present.

With the aforesaid observation and direction this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.12.2017
Transmission Date	NA

