

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2146 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 13774 of 2015**

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Ravi Shankar son of Late Sharda Prasad, resident of Mohalla- New Patliputra Colony, Road No. 3E, House No. 276, P.O. and P.S.- Patliputra, District- Patna- 800 013

.... Appellant/s

Versus

1. The Chief Manager-Cum-Senior Manager, Human Resources Department (HRD) Bank of India, Zonal Office, Patna Zone, Chanakya Tower, R'Block, Patna- 800001.
2. The Deputy Zonal Manager, Bank of India, Zonal Office, Patna Zone, Chanakya Tower, R'Block, Patna- 800001.
3. The Zonal Manager, Bank of India, Zonal Office, Patna Zone, Chanakya Tower, R'Block, Patna 800001.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Roy, Advocate
Mr. Mani Bhushan Kumar, Advocate
Mr. Sharwan Kumar, Advocate
For the Respondent/s : Mr. Braj Nandan Kumar Tiwary, Advocate

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 28-01-2017**

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 7th of October, 2015 in C.W.J.C. No.13774 of 2015 whereby, challenge to the transfer of the appellant from Patna to Mumbai remained unsuccessful.

2. Learned Single Bench has found that the transfer



order in which the name of the appellant appears is, in fact, in respect of 130 employees across the country, therefore, learned Single Bench has not found any cause to interfere with the order of transfer.

3. A perusal of the writ application shows that appellant was transferred from Goa to Patna in August, 2005 and he continued to work in different branches in the Bihar State till July, 2009. Again he came back to Bihar in May, 2012 and was now transferred to Mumbai on 7.7.2015.

4. The grievance of the appellant is that he has been operated upon for Hernia and that he has to take care of his sister, who is a special child.

5. We find that transfer is incidence of service. Once the appellant has joined service of the Bank, he has made himself subject to transfer. He has made himself a part of his service. For major part he has rendered service in the State. Therefore, the transfer after three years in the State cannot be said to be illegal and arbitrary which may warrant interference in the present Letters Patent Appeal. Hernia, which the appellant is suffering from, is a minor operation and cannot be a ground for resisting his transfer outside the State. The appellant joined service knowing well, that he



can be transferred anywhere. Therefore, he cannot take shelter of his sister at this stage.

6. Consequently, we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

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