

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2978 OF 2015**

Santilal Das and Anr .. Petitioners

Vs.

Central Bank of India and Ors .. Respondents

Mr. Santilal Das Petitioner in person
Mr. Sudhir Talsania, Senior Advocate a/w Ms. Radha Ved i/b Ms. Sanjay Udeshi
and Co. for Respondent nos. 1 to 3.

**CORAM : NARESH H. PATIL &
Z. A. HAQ, JJ.**

DATE : 09th AUGUST 2017.

P.C.

1 Heard Mr. Santilal Das, petitioner in person and the learned senior Advocate Mr. Sudhir Talsania for respondent bank.

2 Petitioner has challenged the order transferring him from RCC SMRO Mumbai to RCC Thane RO. The petitioner was working as Assistant Manager (Scale-I) IT at the relevant time i.e. on 20/07/2015 when the transfer order was issued. The contention of the petitioner is that he, being Secretary of the Union had been agitating the issues of the members of the Union and Writ Petition No. 2052 of 2015 was filed on behalf of the Union challenging the Circular No. 677 issued by the respondent Bank. Writ Petition was disposed by this Court on

17/07/2015, in terms accepting the contentions of the Union and because of it, the management got agitated and immediately issued transfer order dated 20/07/2015, 18th and 19th July 2015 were bank holidays being Saturday and Sunday. Apart from the contention that the transfer order is vindictive, it is challenged on the ground that the petitioner could not have been transferred as at the time of issuance of transfer order, the petitioner was aged about 56½ years and was due to retire after 1½ year and as per the policy of the respondent Bank, the employee on the verge of retirement cannot be transferred.

3 After hearing the respective parties, we find that it is an admitted fact that the petitioner has retired on attaining the age of superannuation in January 2017 and therefore, challenge to the transfer order is rendered infructuous.

4 Petitioner has submitted that after issuance of transfer order, petitioner approached this Court by filing present writ petition and attempted to report for duty at the place from where he is transferred and as transfer order is illegal and could not have been issued, the petitioner is entitled for the monetary benefits for the relevant period. In this petition, interim relief is not granted to the petitioner. Whether the petitioner should have been permitted to report on duty at the place from where he was transferred cannot be examined by us as neither of the parties have placed any material on record to enable us to adjudicate this issue.

5 In view of the above, we are not inclined to entertain the petition.

6 Petition stands dismissed.

In the circumstances, parties to bear their own costs.

[Z. A. HAQ, J.]

[NARESH H. PATIL, J.]