

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.223 of 2017

K.Vinitha

.. Appellant/Petitioner

Vs.

1. The Chief Manager-HR
State Bank of India
Network-1, Chennai Zone 2 HR Section
No.86, 4th Floor, Rajaji Salai
Chennai 600 001.
2. The Deputy General Manager (B&O)
Chennai Zone II, No.86, 4th Floor
Rajaji Salai, Chennai 600 001.
3. The Regional Manager
State Bank of India
No.157-2A, 2nd Floor
Pandurangan Towers
Indira Nagar (East), Vengikkal
Thiruvannamalai 606 604.
4. The Branch Manager
State Bank of India
Chengam Branch 00993
Bangalore Road
Tiruvannamalai District.

.. Respondents/Respondents

Appeal under Clause 15 of the Letters Patent filed against the order dated 23.12.2016 made in W.P.No.44017 of 2016.

W.P.No.44017 of 2016:-

Petition filed under Article 226 of the Constitution of India, Writ of Certioraified Mandamus calling for records leading to the issue of impugned orders Letter dated 6.8.2016 on the file of the 4th respondent Letter No.RBO - 6/HR/11/723 dated 9.11.2016 and consequential order No.RBO - 6/HR/11/764 dated 1.12.2016 on the file of the 3rd respondent quash the same

and directing the respondents 1 to 3 to consider the petitioner representation dated 27.10.2016 and reminder letter dated 19.11.2016 in the light of the order passed by the Ministry of Finance Department of Financial Services Government of India made in F.No.4/9/1/2014-IR dated 8.8.2014

For Appellant : Mr.L.Chandrakumar
For Respondents : Mr.K.Chandrasekaran

J U D G M E N T

(Delivered by Huluvadi G.Ramesh, J)

The writ appeal is directed against the order dated 23.12.2016 made in W.P.No.44017 of 2016.

2. The appellant, employee of State Bank of India, was transferred from Thattanchavady Branch to Arni Branch and subsequently, was asked to join Tiruvannamalai Branch, without cancelling the order transferring her to join at Arni Branch. Therefore, she has filed a writ petition challenging the said order. The said writ petition was dismissed on the ground that the appellant had taken double stand in her representations seeking to transfer her to Pondicherry and Chidambaram respectively and therefore, there is no merit in the writ petition. Hence, the above appeal.

3. Admittedly, transfer of an employee is not only an incident, but also a part of the service conditions and such order of transfer is not required to be interfered with lightly by a court of law in exercise of its discretionary jurisdiction unless the court finds that either the order is mala fide or that the service rules prohibit such transfer or that the authorities, who issued the order, had not the competence to pass the order. Further, it is entirely upon the competent authority to decide when, where and at what point of time a public servant is to be transferred from his present posting.

4. In the light of the above and in view of the fact that the appellant, in her earlier representation dated 09.4.2015, has sought transfer to Chidambaram on the ground that her daughter is studying at Chidambaram and in her subsequent representation dated 27.10.2016, has sought transfer to Pondicherry to take care of her aged mother, which would disclose that the appellant was not stable in her request, we are of the considered view that the order of the learned single Judge does not require any interference. However, considering the submission made by the learned counsel for the appellant,

the appellant is granted two months time from today, to joining in the transferred place.

5. The writ appeal is disposed of accordingly. There shall be no order as to costs. Consequently, CMP Nos.3779 & 3780 of 2017 are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kpl

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4. The Branch Manager
State Bank of India
Chengam Branch 00993
Bangalore Road, Tiruvannamalai District.

+1cc to Mr.L.Chandrakumar , Advocate, S.R.No.71299
+1cc to Mr.N.Naganathan, Advocate, S.R.No.71126

W.A.No.223 of 2017

CS/17/11/17