

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.25190, 27646 & 30177 OF 2017

ORDER:

Since the parties and subject matter of all these writ petitions is one and the same all these writ petitions are being heard together and disposed of by this common order.

WP.No.25190 of 2017:

This writ petition is filed challenging the action of the 1st respondent-The Karimnagar District Cooperative Central Bank Limited, in transferring the petitioner from Jagtial branch to Raikal Branch, Karimnagar District vide Proceedings No.804/B5/2017, dated 20.06.2017, as illegal, arbitrary and violative of G.O.Ms.No.182, dated 21.05.2017 issued by the Government and for a consequential direction to the 1st respondent to retain the petitioner at Jagtial branch as Staff Assistant.

WP.No.27646 of 2017:

This writ petition is filed challenging the action of the 1st respondent- The Karimnagar District Cooperative Central Bank Limited, in issuing proceedings vide Ref.No.1291/B5/2017-18, dated 04.08.2017, rejecting the application of the petitioner to modify the transfer order as illegal, arbitrary and violative of G.O.Ms.No.182, dated 21.05.2017 issued by the Government and for a consequential direction to the 1st respondent to retain the petitioner at Jagtial branch as Staff Assistant.

WP.No.30177 of 2017:

This writ petition is filed challenging the action of the 2nd respondent-The Karimnagar District Cooperative Central Bank Limited, in issuing the proceedings vide Proc.No.1449/B5/2017-18, dated 30.08.2017, suspending the petitioner from service as Staff Assistant without looking into the writ petitions filed by her which are pending before this Court in WP.No.25190 of 2017 and WP.No.27646 of 2017, as illegal and arbitrary and for a consequential direction to the 2nd respondent to permit the petitioner to discharge her duties as Staff Assistant in its branch at Jagtial.

Learned counsel for the petitioner submits that petitioner was transferred from Jagtial to Raikal branch and challenging the same the petitioner filed WP.No.25190 of 2017 wherein this Court granted interim order dated 31.07.2017 directing the 1st respondent- The Karimnagar District Cooperative Central Bank Limited, to consider the representation of the petitioner. But, without considering the same, the respondents have passed order dated 04.08.2017 rejecting the request of the petitioner to modify the transfer order. Challenging the said rejection order dated 04.08.2017, the petitioner filed WP.No.27646/2017. Since the petitioner has filed the aforesaid two writ petitions, the respondents have passed impugned order dated 30.08.2017, suspending

the petitioner from service and challenging the same the petitioner filed WP.No.30177 of 2017.

He further submits that wife and husband should be retained at one place as per GOs issued by the Government. He also submits that as per the Rules of the respondent bank transfer can be effected in terms of the policy taken by the committee or in terms of the NABARD; and that in the absence of the same, petitioner cannot be transferred. He also submits that since petitioner is having two minor children, she has to be retained at Jagtial.

On the other hand learned Standing Counsel for respondent Bank submits that immediately after appointment the petitioner was posted at Jagtial in the year 2012; that for the last five years the petitioner has been continuing at Jagtial only. He also submits that it is a general transfer; that the respondent bank has also transferred four persons along with petitioner to different places on administrative grounds by following the service Rules; that considering the fact that the petitioner is having minor children, she was posted to Raikal branch which is 22 Kms. away from Jagtial; and that number of bus services are available from Jagtial to Raikal vis-e-vis. It is further submitted that in compliance of the interim orders dated 31.07.2017 in WP.No.25190 of 2017 passed by this Court, the respondents considered the representation of the petitioner and passed rejection order

dated 04.08.2017 reiterating the aforesaid facts. He also submits that petitioner was informed number of times to join duty at the new place, but, the petitioner instead of reporting to duty at the transferred place applied for leave and without the leave being sanctioned she absented from work and filed representations. He also submits that the suspension order is in accordance with the provisions of Service Rules and that there is no illegality or irregularity in issuing the impugned suspension order.

In this case it is to be seen that the distance between Raikal and Jagtial is only 22 Kms. and admittedly on the request of the petitioner, she was posted to Jagtial in the year 2012 and for the last five years the petitioner is working in Jagtial. It is also asserted by the learned Standing Counsel that along with petitioner four employees were also transferred; and that except the petitioner the other employees are transferred to the far away places. It is to be seen that transfer is an incident to service. In view of the aforesaid facts and circumstances, the transfer of petitioner to Raikal which is 22 Kms away from the Jagtial, cannot be faulted. The respondents have fairly considered the case of the petitioner and posted the petitioner to Raikal. The respondents have already considered the case of petitioner after passing of interim orders by this Court in WP.No.25190/2017. Even according to Government Orders,

the spouse case can be considered for transfer and can retain at the same place as far as possible.

In view of the aforesaid facts and circumstances, I do not see any reason to interfere with the impugned order of transfer dated 20.06.2017 as well as rejection order dated 04.08.2017 rejecting to retain the petitioner at Jagtial. Insofar as the impugned suspension order dated 30.8.2017 is concerned, the petitioner could have joined at the new place and made a request, but, without reporting to duty at the new place, she applied for leave and filed representations. According to learned Standing Counsel, that caused loss to the Bank. Ordinarily order of suspension pending enquiry will not be interfered with unless it is without jurisdiction, arbitrary, without application of mind, but in this case it is found that there is disruption of services of bank as alleged and it is not the case that it is without jurisdiction. In view of the same, I am not inclined to interfere with the order of suspension. However, since the petitioner is suspended, only on the ground of non-joining at transferred place, petitioner can join in the transferred place and the respondent Bank (The Karimnagar District Cooperative Central Bank Limited) is directed to conclude the disciplinary proceedings within a period of two months from the date of receipt of a copy of this order and also consider revoking the order of suspension but

any rate if disciplinary proceedings are not concluded within above period the petitioner shall be reinstated into duty.

Accordingly, all these writ petitions are disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petitions, shall stand closed.

10.10.2017
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A.RAJASHEKER REDDY, J

