

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3105 of 2018

Sushil Kumar Naik S/o Shri Raghunandan Lal Naik, Aged About 56 Years
Posted As Assistant Officer Grade II At Cg Rajya Gramin Bank, Branch Chhuri,
Tehsil Katghora, District Korba (Chhattisgarh), District : Korba, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh Rajya Gramin Bank Through Its Chairman, Head Office Mahadev Ghat Road, Sunder Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chhattisgarh Rajya Gramin Bank, Through Its General Manager, Head Office Mahadeo Ghat Road, Sunder Nagar, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
3. Regional Manager, Chhattisgarh Rajya Gramin Bank, Kachheri Chowk, Janjgir, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Shri K.N.Nande, Advocate
For Respondents	:	Shri N. Naha Roy, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/05/2018

This is second round of petition in the matter of transfer.

The petitioner / officer seeks adjustment as one time measure for his posting under clause 4 of the transfer policy.

2. Earlier, this Court had directed the respondents to consider petitioner's claim. The impugned order dated 22/03/2018 states that looking to the petitioner's capacity, incompetence and inability to produce result, he has been chosen to transfer to Branch – Chhuri which has comparatively low advance and NPA issues as compared to Branch – Chhapora, from where, the petitioner has been transferred.

3. Giving up the arguments with regard to competence, learned counsel for the petitioner would submit that the reason assigned in the impugned order could at the most justify the transfer of the petitioner from Chhapora but there is nothing in the

order to show that the authority has proceeded to consider petitioner's posting in any of the branch at District -Raigarh, which may have similar advances and NPA status as branch-Chhuri.

4. From the impugned order, I do not find as to why the petitioner should not be considered for posting in any of the 48 branches in District – Raigarh. Though the respondents may be justified in transferring the petitioner from Chhapora, but in view of the provisions contained in Clause 4 of the transfer policy, the respondents ought to have examined whether subject to administrative exigency, it would be feasible to transfer the petitioner in any of the 48 branches in District – Raigarh whose status may be comparative to that of branch – Chhuri.

5. Therefore, the impugned order deserves to be quashed and is accordingly quashed. The respondent authorities shall examine whether in 48 branches in District – Raigarh, the petitioner could be adjusted keeping in view that the petitioner is seeking one time adjustment under clause 4 of the transfer policy.

Sd/-
(Manindra Mohan Shrivastava)
Judge