

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3990 OF 2018

(VIDARBHA KONKAN GRAMIN BANK OFFICERS ASSN...VS..VIDARBHA KONKAN GRAMIN BANK.)
WITH

WRIT PETITION NO. 3037 OF 2018

(VIDARBHA KONKAN GRAMIN BANK OFFICERS ASSN...VS..VIDARBHA KONKAN GRAMIN BANK &
ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : B.P.DHARMADHIKARI AND
Z.A.HAQ, JJ.

DATED : JULY 10, 2018.

1. Heard Advocate Shri P.D.Meghe and Advocate Shri N.P. Choudhary for the petitioner association and Senior Advocate Shri Anand Jaiswal a/b. Advocate Shri R.V.Kale for the respondent-Bank.
2. General orders of transfer issued on 24/04/2018 and 30/06/2018 are questioned by the same union in these two matters.
3. The grievances are, mostly responsible office bearers of the petitioner association have been chosen and sent out though they have not completed minimum assured tenure as per the transfer policy or then are due for superannuation shortly.
4. Advocate Shri Choudhary points out that though this Court has granted interim relief on 25th May, 2018, the

transferred officers were forced to join at the transferred places.

5. The learned Senior Advocate submits that the transfer policy does not prohibit the transfers before completion of three years. In administrative exigencies, while effecting general transfers as branches are mostly located in villages or remote areas, the management has taken suitable decision. According to him, there are no malafides and posting after transfers have been in consonance with the transfer policy to the extent possible.

6. Advocate Shri Meghe has invited our attention to the pleadings in paragraph Nos. 12 and 13 of the writ petition to demonstrate the victimization.

7. After hearing the respective counsel, we find that the allegations of malafides are not specific. Merely because large number of employees are transferred or then large number of members of the petitioner association are transferred, an inference of victimization cannot be drawn. From the arguments advanced by Advocates Shri Meghe and Shri Choudhary, it appears that the petitioner association is having large following and therefore, most of the transferred employees happen to be its members.

8. Burden to show absence of administrative exigency is upon the petitioners.

9. In this situation, as the petitioners in Writ Petition No.3037 of 2018 have already chosen to report at the transferred places and are working, interest of justice can be

met with by directing the petitioners in Writ Petition No. 3990 of 2018 also to report at the transferred places.

If such employees, after reporting, submit appropriate representation, within seven days, same shall be looked into independently and impartially by the employer within next three weeks. We make it clear that the employer shall not be influenced by the present litigation or the orders passed therein. The contentions of Advocates Shri Meghe and Shri Choudhary are kept open and will be looked into if occasion therefor arises.

10. With this direction, we **dispose of** the writ petitions. No costs.

(Z.A.Haq, J)

(B.P.Dharmadhikari,J)