

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP-15454-2018
Date of Decision : August 21, 2018

Ravinder Singh Gill
.... Petitioner.

Versus

State Bank of India and others. Respondents.

2. CWP-15587-2018

Ravinder Singh Gill Petitioner.

Versus

State Bank of India and others. Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. Gurpreet Singh, Advocate
for the petitioner.

Ms. Madhu Dayal
for the respondents.

SHEKHER DHAWAN, J.

Ravinder Singh Gill, petitioner herein, has filed above titled two writ petitions under Articles 226/227 of the Constitution of India against two separate transfer orders. In CWP-15454-2018, he has challenged his transfer from Bathinda to Bhopal Circle made vide order dated 2.6.2018

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(Annexure P/10) and in the subsequent writ petition bearing CWP-15587-2018, the order dated 11.06.2018 (Annexure P/13) is under challenge whereby he was transferred to Local Head Office, Bangalore.

2. At the outset, it may be mentioned that the respondent-Bank has filed a CM No.11989-2018 thereby placing on record speaking order dated 9.8.2018 (Annexure R/1) as per directions given by this Court in CWP-15454-2018 on 20.06.2018, whereby considering the representation of the petitioner, his transfer to Bangalore was ordered vide order dated 11.06.2018 has been cancelled and the petitioner has been advised to report at Bhopal Circle, considering that Bhopal Circle is closer to Bathinda. Therefore, the subsequent writ petition, bearing CWP-15587-2018 has been rendered infructuous.

3. Facts relevant for the purpose of decision of these writ petitions; that the petitioner joined the State Bank of Patiala as Assistant Manager (Security) on 3.2.1994 and thereafter, he was promoted as Deputy Manager. On 1.12.2016, the petitioner was promoted as Chief Manager (Security) and was working as such at Bathinda.

4. The grievance of the petitioner is against his transfer from Bathinda to Bhopal Circle and vide subsequent order from Bhopal to Bangalore on the ground that the petitioner and other officers of the rank of Specialist officers in SMG scales though could be transferred on All India basis, but there is a rider that the Officers who have completed 55 years of age would ordinarily be exempted from the purview of transfer policy (Annexure P/5) and as the petitioner has already crossed the age of 55 years and is now touching 58 years, as such, the transfer policy is not

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applicable to him. As per the petitioner, he had made representations and in one of the representations, he had even mentioned that he may be transferred to Bhopal Circle because at that point of time, his daughter was studying in Indore. The petitioner received the communication on 2.6.2018 (Annexure P/10) whereby he was transferred to Bhopal and was relieved from his Bathinda office.

5. Learned counsel for the petitioner contended that the petitioner is a victim of mala fide and biased attitude of the respondents because he is of the age of 58 years and otherwise, he is working as Specialist Officer dealing with security. There are 9 Specialist Officers who have been transferred contrary to the transfer policy and all of them belong to erstwhile State Bank of Patiala. If an employee is victim of bias or malafide intentions of the respondents and his transfer is contrary to the transfer policy, such an employee would be entitled to protection from the Court. Reliance on this point was placed on the judgment of Hon`ble Supreme Court in **Rajendra Roy Vs. Union of India (UOI) and Ors.**, AIR 1993 SC 1236.

6. Learned counsel representing the respondent-Bank contended that in compliance of orders passed by this Court in CWP No.15454 of 2018, the petitioner herein had made a representation before the respondent and the same was decided by passing a speaking order on 9.8.2018 (Annexure R/1) whereby the transfer order dated 13.6.2018 of the petitioner to Bangalore was withdrawn and the petitioner has been asked to report at Bhopal as Bhopal circle is closure to Bathinda.

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7. Learned counsel for the respondent-Bank also brought to the notice of this Court that the petitioner herein was earlier transferred from Bathinda to Guwahati Circle on 20.4.2017 as he remained posted at Bathinda (Punjab) and Patiala (Punjab) only during his entire service career of 24 years. His transfer from Guwahati to Bhopal was effected on the basis of his representation dated 30.5.1997 and 13.6.2017. In the said representations, he had sought stay of transfer for a period of one year on the ground his son was studying at Bathinda. After completion of one year, the petitioner was relieved to Bhopal circle on 2.6.2018 but he did not join at Bhopal. On 13.6.2018, his transfer order was modified from Bhopal to Bangalore on account of shortage of Security Officers in Bangalore Circle.

8. Learned counsel for the respondent has also urged that there is no violation of transfer policy. The petitioner himself had given his readiness to proceed on transfer after completion of one year vide his representation dated 30.5.2017 and 13.08.2017. The other allegations regarding malafide and biased attitude of the respondent-bank are totally baseless. However, there is no position of Security Officer available in Chandigarh Circle and the present writ petitions be dismissed.

9. Having considered the submissions made by learned counsel for the parties and appraisal of the record, this Court is of the considered view that there is no dispute about certain basic facts that the petitioner was appointed as Assistant Manager (Security) and after getting due promotions during his long career of 24 years, he was promoted as Chief Manager (Security). During that period, he remained posted in Chandigarh Circle only. On administrative grounds, the petitioner was transferred from

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Bathinda to Guwahati Circle but on his representations, he was transferred to Bhopal Circle and after completion of one year of stay, as requested by him, he has been transferred to Bhopal Circle. As regards to the transfer policy governing the Specialist Officers, such an officer can be transferred on all India basis, if the administrative exigencies so arise or there is no post available in the Circle where the petitioner desires his posting. In the speaking order dated 9.8.2018 (Annexure P/1), the respondent-bank has come with the clear denial that it was not on account of any mala fide or biasness against the petitioner, but it was on the ground of his longer stay of almost entire service of the petitioner in the respondent-bank and at present, there being no position of Security Officer available in Chandigarh Circle, that he had been transferred to Bangalore and then to Bhopal. It is also not disputed in any way that CWP No. 15587-2018 has been rendered infructuous as the order whereby the petitioner was transferred from Bhopal to Bangalore stands cancelled.

10. As regard to the judgment cited by learned counsel for the petitioner, facts of the present case and the facts of **Rajendra Rao's case (supra)** are distinguishable because in the present case, there is no such bar that the petitioner cannot be transferred out of Chandigarh Circle, rather he can be transferred on All India basis and in the present case, the respondent-bank has certainly come with the plea of administrative exigencies. The petitioner has already been accommodated at the place of his choice and on the basis of grounds taken in the representation. Even now vide speaking order dated 9.8.2018, (Annexure R/1), his transfer from

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Bangalore has been cancelled and he has been accommodated in Bhopal Circle, which is closure to Bathinda.

11. In view of the above, CWP-15587-2018 has been rendered infructuous and stands dismissed as infructuous. There is no merit in CWP-15454-2018 and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

August 21, 2018.
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes