

**Sr. No.108
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.33502 of 2018 (O&M)

Date of Decision: 19.12.2018

Manoj Kumar Chhapola

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Srijan Sharma and
Mr. Neelkanth Aher, Advocates,
for the petitioner.

ARUN MONGA, J.(ORAL)

Present writ petition has been filed seeking issuance of a writ in the nature of certiorari to quash the order No.7721 dated 29.11.2018 (Annexure P-2) passed by respondent No.4/The Field General Manager, Union Bank of India, Zonal Office, New Delhi ordering inter region transfer of the petitioner from Ambala to Udaypur.

Learned counsel for the petitioner states that the petitioner was appointed as Probationary Officer (PO) vide appointment letter dated 09.03.2012 (Annexure P-1). He states that initially he was asked to report at Assets Recovery Branch, Mumbai where he was posted for about year and a half and thereafter he has been transferred 11 times and out of which 06 times in the last year alone as is reflected from Annexure P-4. Relevant part thereof is extracted hereinbelow:-

Sr . N o.	Deparment/ RO	Designation	Branch	From Date	To Date	No. of Days in postin g
1	Mumbai (s)- Regional Office	Assistant Manager	Asset Recovery, Mumbai	07.04.2012	30.07.2013	480
2	-do-	-do-	Prabhdevi, Mumbai	31.07.2013	31.07.2013	Same day
3.	Mumbai (N)- Regional Office	-do-	Regional Office, Mumbai	26.08.2014	24.09.2014	30
4.	-do-	-do-	Chembur (West), Mumbai	25.09.2014	25.10.2017	1127
5.	Chandigarh -Regional Office	-do-	Mandi Adampur	26.10.2017	04.01.2018	71
6	-do-	do-	Regional Office, Chandigarh	05.01.2018	17.05.2018	133
7.	-do-	-do-	Main Office, Chandigarh	18.05.2018	07.06.2018	21
8.	-do-	do-	Currency Chest Main, Chandigarh	08.06.2018	20.08.2018	74
9	-do-	-do-	Ambala Cantonment Ambala	21.08.2018	30.09.2018	41
10	-do-	On Deputation Office Cadre	-do-	01.10.2018	30.11.2018	61
11	Udaipur- Regional Office	On Deputation Office Cadre	Regional Office, Udaipur	01.12.2018		

Learned counsel for the petitioner contends that Transfer Policy dated 15.12.2016 (Annexure P-6) issued by the respondent Bank envisages that every officer will be liable to be transferred from one branch/office to another branch/office once in 03 years, within the region. He further contends that an officer who has completed 06 years in a particular region, he would thereafter be transferred from one region to another. Contends

that in the present case, petitioner has been transferred in violation of the said Policy as is reflected from the table above showing the transfers of the petitioner from time to time.

He further contends that the respondent Bank vide Circular dated 29.08.2012 (Annexure P-5) has decided to adopt the guidelines issued by Government of India in respect of transfer of employees in Public Sector Banks which contemplates that transfer order should be issued by June every year. However, if for administrative exigency, an officer is to be transferred after June then the prior approval of Board of Directors has to be taken.

Learned counsel for the petitioner contends that impugned order dated 29.11.2018 (Annexure P-2) has been passed transferring the petitioner after June from one region to another i.e. Chandigarh Region where he has been posted merely for a period of 61 days to Udaypur Region which is in violation of not only the Transfer Policy but also the guidelines issued by the Government of India adopted by the respondent Bank.

Learned counsel for the petitioner states that petitioner has represented for cancellation of his transfer orders but the Bank has not paid any heed to the same. Petitioner thereafter approached All India Union Bank Officers Staff Association (Regd.) who also caused a representation dated 05.12.2018 but the same was never adverted to by the respondent Bank.

Keeping in view the contentions of the learned counsel for the petitioner and the averments made in the petition, this Court is of the considered view that no notice is required to be

issued and petition can be disposed of without further proceedings.

Petition is disposed of with a direction to respondent No.4-The Field General Manager, Union Bank of India, Zonal Office, New Delhi-110001 to consider the present writ petition as representation of the petitioner and keeping in view the contentions of the learned counsel for the petitioner as noted above as also the averments made in the representation dated 05.12.2018 (Annexure P-7) and to pass a speaking order. Needful be done within a period of four weeks from the date of receipt of a copy of this order.

It is made clear that observations of this Court shall not be construed as expression of opinion on the merits of the case and respondents are at liberty to pass fresh orders in accordance with law.

Registry is directed to convey the order of this Court along with copy of the petition to respondent No.4.

Disposed of.

19.12.2018

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No