

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14758 of 2019

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Madhavi W/o Sri Ashish Kumar Resident of Mohalla- Raja Bazar, D-31,
Ashoka Tower, District- Patna.

... .. Petitioner/s

Versus

1. The Managing Director and Chief Executive Officer Corporate Office, Indian Bank 254-260, Avvai Shanmugam Salai Roypettah, Chennai- 600014.
2. The Executive Director Corporate Office, Indian Bank 254-260, Avvai Shanmugam Salai Roypettah, Chennai- 600014.
3. The General Manager Human Resource Management Department, Central Office, Chennai, Corporate Office, Indian Bank 254-260, Avvai Shanmugam Salai Roypettah, Chennai- 600014.
4. The Deputy General Manager/ Zonal Manager Patna Zone, Indian Bank Zonal Office, 1st Floor, Govind Bhawan, New Dak Bunglow Road, Patna- 800001.
5. The Asstt. General Manager/ Second in Command Patna Zone, Indian Bank Zonal Office, 1st Floor, Govind Bhawan, New Dak Bunglow Road, Patna- 800001.
6. The Officer-In- Charge/ Branch Head Indian Bank, Patna City Branch, Patna- 800008.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jayant Kumar Karn, Advocate
For the Respondent/s	:	Mr. Sanjay Singh Thakur, Advocate
		Mr. Baua Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-07-2019

Heard the learned counsel for the parties.

2. The petitioner feels aggrieved by the order of transfer dated 15.06.2019 contained in Annexure - P/9 to the petition whereby she has been transferred from Patna City to Vishakhapatnam.



3. Mr. Karn, learned counsel for the petitioner has drawn the attention of this Court to the fact that earlier the petitioner had been transferred from Patna to Bangalore and which order of transfer was challenged before this Court vide C.W.J.C. No. 870 of 2017.

4. A Bench of this Court vide order dated 16.11.2017, taking into account the fact that the petitioner has foregone her promotion only to stay with her family and husband at Patna, cancelled such order of transfer and allowed her to remain at Patna but on scale-II and not on scale-III on which she was promoted. Barely after 1½ years of the aforesaid order, the petitioner stands transferred from Patna to Vishakhapatnam. The same grounds have been raised in the present petition which had weighed with the Bench which had earlier heard the case of the petitioner.

5. Mr. Karn, learned counsel for the petitioner though admits that there cannot be any right of an employee to remain at a particular place even if it is on



family grounds; nonetheless he submits that the order of transfer, if seen intently, would indicate that it has been passed for the purposes of overreaching the orders of this Court whereby the earlier order of transfer of the petitioner from Patna to Bangalore was set aside.

6. It has further been submitted that the Government of India, in the Ministry of Finance, has come out with a resolution indicating the policy of transfer of female employees in Public Sector Banks for the purposes of minimizing hardships. Since it was brought to the notice of the Finance Department that female employees of Public Sector Banks, married or unmarried, when placed or transferred away from their husband or parents as the case may be, to distant locations, they face genuine hardships and develop a feeling of insecurity. It was thus resolved that in such cases, for accommodating such female employees, as far as possible, they shall be posted on their request at a place where the husband in case of



married woman and parents in case of unmarried woman are stationed as nearby as possible to that place.

7. The rules which are prevalent in the bank of which the petitioner is an employee also provides for an average periodicity of three to four years.

8. On these grounds, the petitioner urges this Court to pass an order setting aside the order of transfer and directing the respondent to allow the petitioner to continue working at Patna City.

9. The representation which has been made by the petitioner before the General Manager, H.R. Management Department, Indian Bank, Corporate Office, Chennai on 24.06.2019 has not yet been disposed of.

10. This Court notices that the petitioner is married to a person who is employed in a different bank and is posted at Bettiah in the State of Bihar. The petitioner has small children and for the purposes of rearing up children and maintaining the family ties, she has chosen to forego her promotion. This ground heavily



weighed with a Bench of this Court on an earlier occasion when the petitioner was transferred from Patna to Bangalore and on that ground alone, such order of transfer was set aside.

11. There does not appear to be any particular reason *prima facie*, for not allowing the petitioner to remain at Patna for the average period of tenure of a bank employee in Indian Bank; though it cannot be gainsaid that transfer is an incidence of service and it cannot under normal circumstances be taken to be stigmatic.

12. The employer only knows where to place his employee for taking best advantage of his or her service. Nonetheless when there is a policy decision of the Finance Department of Government of India and the rules of the Bank also permit of the average periodicity of tenure for three to four years, there does not appear to be any extreme necessity of transferring the petitioner within 1½ years of a decision of this Court annulling the earlier order of transfer of the petitioner from Patna to Bangalore.



13. In the present instance, the petitioner has again been transferred to a far flung place in Vishakhapatnam.

14. No *mala fides* have been alleged in the petition as there is none. Nonetheless this Court is prompted, on the submissions made on behalf of the petitioner keeping in mind the hardships that she might face and the decision which she has taken in foregoing her promotion, to direct the General Manager H.R. Management Department, Indian Bank, Corporate Office, Chennai to consider the representation of the petitioner in proper perspective within a specified period of time.

15. This Court therefore, directs the General Manager H.R. Management Department, Indian Bank, Corporate Office, Chennai (respondent no. 3) to dispose of the representation dated 24.06.2019 within a period of four weeks from the date of receipt/production of a copy of this order along with a reminder letter by the petitioner.



16. Till such time the representation is disposed of and the order is communicated to the petitioner, the petitioner shall not be insisted upon for joining the new place of posting.

17. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2019
Transmission Date	

