

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 487 of 2019**

{Arising out of Order dated 27/09/2019 passed in Writ Petition(S) No. 7925 of 2019 by the learned Single Judge}

- Pradeep Kumar Meher S/o Shri S.B. Meher, aged about 47 years, Occupation-Service, R/o C-303, Raheja Residency, Opposite St. Xaviers School, Awanti Vihar, Raipur C.G.

----Appellant/Petitioner**VERSUS**

1. Bank of Baroda through its Deputy General Manager, Regional Office, Jeevan Prakash, Jeevan Bima Marg, Pandari, Raipur Chhattisgarh.
2. Bank of Baroda, through its General Manager, Bhopal Zone, Maharana Pratap Nagar, Bhopal M.P.
3. Shrinivas Pathak, Senior Manager (Law) Regional Officer, Jeevan Prakash, Jeevan Bima Marg, Pandari, Raipur, C.G.

-----Respondents

For Appellant	:	Mr. Siddharth Rathore, Advocate
For Respondents	:	Mr. Ankit Singhal, Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Per P.R. Ramachandra Menon, C.J.****21/11/2019**

1. Interference declined by the learned Single Judge to set aside Annexure P-1 order dated 04-09-2019 whereby the petitioner has been transferred from office of Raipur Branch to office of Jabalpur Branch of the respondent Bank, is put to challenge in this appeal.
2. Heard Mr. Siddharth Rathore, learned counsel for the appellant as well as Mr. Ankit Singhal, learned counsel appearing for respondents.

3. The appellant was working as Senior Manager (Law) at Mahasamund Branch in the Bank of Baroda and as per order dated 16-08-2019, he was transferred from Mahasamund to Raipur. Pursuant to said transfer order, the appellant was relieved from the Branch at Mahasamund on 26-08-2019 and he joined the service at Raipur Branch on the next date. Shortly thereafter, another order was passed i.e. Annexure P-1 on 04-09-2019, whereby the service of the appellant was transferred from Raipur to the Regional Office, Jabalpur, which made him to feel aggrieved and hence the same was sought to be challenged by filing writ petition.
4. The transfer was sought to be justified by the respondent-Bank with reference to the recent development in connection with the merging of 'Vijaya Bank' and 'Dena Bank' with the Bank of Baroda i.e. the respondent-Bank, and the immediate need and necessity felt all over India to make appropriate arrangements/ adjustments so as to accommodate the Officers/staff, lest the interest of the customers should be put to difficulty. After hearing both the sides, the version put-forth by the respondent-Bank was accepted and the writ petition was dismissed by the learned Single Judge, correctness of which is sought to be challenged in this appeal.
5. The learned counsel for the appellant points out that by virtue of the regulations issued by the Bank, the minimum tenure at a place is 3 years and no transfer shall be effected before expiry of the said period. In the instant case, after effecting the transfer of the petitioner and relieving him from Mahasamund to join at Raipur, he was shifted within 08 days to Jabalpur, only to accommodate 3rd respondent herein. It is contended that, it was the 3rd respondent who was originally sought to be transferred to Jabalpur, but the respondent-Bank has extended unlawful gain to him and after cancelling the said order, the appellant has been transferred, which is

not correct or sustainable and hence the challenge.

6. The learned counsel for the respondent-Bank submits that, there is absolutely no merit in the alleged malafides and that the transfer has been effected only in organizational interest. The appellant is holding a very high and responsible post of Deputy General Manager and his service is very much required at Jabalpur Branch, in view of the change in circumstances. It is also pointed out that the organizational requirement is supreme and the appellant being an Officer of higher level and holding a transferable post, has to cater to the needs of the institution, rather than his personal likes and dislikes.
7. Learned counsel also makes a reference to paragraph -47 of the relevant Regulations which reads as follows :

“REGULATION 47: TRANSFERABILITY:

Every officer is liable for transfer to any office or branch of the Bank or to any place in India. Transfer Policy for Officers in JMG/S-I to MMG/S-III.”

8. It has been held by the Apex Court in catena of decisions that the scope to interfere with transfer is very little. Unless it is arbitrary in all respects or beyond the authority and competence, or else there is an instance of proven malafides, it is not proper or possible to have the matter interdicted. No such situation has been substantiated before this Court.
9. In the said circumstances, the verdict passed by the learned Single Judge is perfectly within the four walls of law and does not require any interference. Appeal fails and is hereby dismissed accordingly.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge