

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 8404 of 2018

Smt. Gyatri Chelak W/o Shri R. D. Chelak, Aged About 57 Years,
Presently Posted As Officer Scale-I, At Punjab National Bank,
Barela District Mungeli, R/o Indu Chowk, Jarhabhata, District-
Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Punjab National Bank Through Its General Manager, Personnel
Administration Division 7, Bhikhaiji Cama Place, Head Office, New
Delhi. 110066
2. Zonal Manager, Punjab National Bank, Bhopal, Madhya Pradesh
3. Regional Manager, Punjab National Bank, Circle Office Gaurav
Path Ring Road, No.2, Plot No. 48-48-A, Bilaspur, Chhattisgarh
4. Circle Head, Punjab National Bank, Circle Office Gaurav Path,
Bilaspur, Chhattisgarh
5. Manager (HRD) Punjab National Bank, Circle Office Gaurav Path,
Ring Road No.2, Plot No. 48-48-A, Bilaspur, Chhattisgarh
6. S. L. Kujur, Officer Scale-I, Punjab National Bank, Chapora,
District- Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondents	:	Shri S. S. Rajput, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

02.01.2019

The present is a third round of litigation. The entire issue revolves

around the original order of transfer dated 06.06.2018 whereby the petitioner who is an officer of Scale-I with the respondents has been transferred from Mungeli to Naila, district Janjgir-Champa.

2. The first writ petition i.e. WPS No. 5201/2018 was disposed of on 14.08.2018 wherein this Court had directed the petitioner to approach the respondents for ventilating her grievance by making a suitable representation. The said representation stood rejected on 31.08.2018. The rejection of representation led to the filing of a fresh writ petition i.e. WPS No. 6312/2018 and the writ Court again disposed of the writ petition on 25.09.2018 directing the respondents to decide the representation in a pragmatic manner and by a speaking order. The impugned order Annexure P-1 dated 05.11.2018 has been passed subsequent to the disposal of the said second writ petition.

3. The present third writ petition has been filed by the petitioner primarily on the ground that the respondents have not properly appreciated the transfer policy of the bank and have misled the petitioner as well as this Court by stating that the petitioner has completed 3 years of tenure at Mungeli which led to the issuance of the transfer order.

4. Counsel for the petitioner submits that the petitioner was originally posted at Mungeli vide order dated 01.07.2015 and as such 3 years of tenure would get completed only on 31.06.2018 which is short by 24 days in completing 3 years period, the transfer order has been passed and as such the contents of the impugned order are incorrect and misleading and therefore, the order of transfer should be interfered by this Court.

5. Counsel for the respondents however vehemently opposing the petition submits that the petitioner though was transferred on 06.06.2018

but till date she has not cared to report for duty at the transferred place in spite of the fact that there was no interim protection issued in favour of the petitioner at any point of time. He further submits that the petitioner has unnecessarily approached this Court on numerous occasions only agitating the same cause of action again and again for which the writ petition should be dismissed imposing heavy cost.

6. Having heard the contentions put forth on either side and on perusal of the records, admittedly the present is a third round of litigation. The earlier two round of litigations though were entertained by this court but no interim protection was granted. It is by now more than 6 months time that the order of transfer has been passed. The scope of interference by the High Court is no longer res integra. It has been by a catena of decisions of the Supreme Court as well as this Court reiterated that transfer is an incident to service and unless the order of transfer is contrary to the order of appointment or is contrary to the service conditions or has been issued by a person incompetent or in excess of his jurisdiction or being issued with malafides, the same cannot be interfered invoking Article 226 of the Constitution of India.

7. From the facts of the writ petition it clearly reflects that the petitioner is working for 3 years of service at Mungeli. Though the order of transfer has been passed short by 24 days for completing 3 years of tenure but that shortfall of 24 days cannot be considered to be too fatal for holding the order of transfer to be bad in law in any manner. The petitioner, it appears, does not want to move out of Mungeli to work at any other place. It is more than 6 months time that the petitioner has been transferred and till date she has not cared to join at the transferred

place. This attitude of the petitioner also is a bit surprising and forces this Court to draw an inference that she is not interested in working anywhere else except at Mungeli or a place of her choice.

8. Given the facts, this Court is not inclined to entertain the writ petition and the writ petition therefore deserves to be and is accordingly dismissed.

**Sd/-
P. Sam Koshy
Judge**

Khatai