

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8122 of 2020

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Guriya Kumari Wife of Dhananjay Kumar Resident of Village and P.O.-
Kanhauri Gajpati, P.S.- Parsauni, District- Sitamarhi- 843325.

... .. Petitioner/s

Versus

1. NABARD (National Bank for Agriculture and Rural Development) through its Chairman, Plot No. C-24, Bandra Kurla Complex, Bandra (East) Mumbai- 400051 (Maharashtra).
2. The Deputy General Manager NABARD, HRMD, Plot No. C-24, Bandra Kurla Complex, Bandra (East) Mumbai- 400051 (Maharashtra).
3. The Chief General Manager NABARD, Bihar Regional Office, Maurya Lok Complex, Block- B, 4th and 5th Floor, Dak Bunglow Road, Patna- 800001.
4. Amitabh Lall, Son of not known, Resident of 1- Jagat Narain Road, Rajendra Nagar, Patna, P.S. Rajendra Nagar, District- Patna- 800003 Presently at the Chief General Manager, NABARD, Bihar Regional Office, Patna, Bihar.
5. Ajay Kumar Gupta, Deputy General Manager cum Enquiry Officer, NABARD, Bihar Regional Office, Maurya Lok Complex, Block- B, 4th and 5th Floor, Dak Bunglow Road, Patna- 800001.
6. Bhanu Kumar Mishra A.G.M. NABARD, Bihar Regional Office, Maurya Lok Complex, Block- B, 4th and 5th Floor, Dak Bunglow Road, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Keshav Srivastava, Sr. Adv. Mr. Bhubneshwar Prasad, Adv.
For the Respondent/s	:	Mr. Chittranjan Sinha, Sr. Adv. Mr. Siddharth Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 08-10-2020 Heard the learned counsel for the parties.

2. The petitioner has put to challenge an order dated 16.07.2020, issued by the Deputy General Manager, NABARD, HRMD, Mumbai whereby she has been transferred from the post of District Development Manager, Buxar in the Bihar Regional Office of NABARD to Jharkhand Regional Office at Ranchi. She is seeking a direction to the respondents



to allow her to complete her tenure of four years at the present place of posting.

3. A counter affidavit has been filed on behalf of NABARD. On the basis of the pleadings on record, it appears that the petitioner has remained in Bihar Region for nearly eight years and at the present place of posting since 02.05.2017.

4. In the writ application, the petitioner has made allegation of harassment against her superiors, which, according to her, is the reason why she is being transferred. In addition, it is her case that she is a diabetic and has an infant son, to be looked after. It is her further case that her parents also need due care and attention and, therefore, her transfer to Jharkhand Region shall put her to undue hardship. Current situation of Covid-19 pandemic has also been taken as one of the grounds for challenging the impugned order of her transfer.

5. A decision by an employer to transfer an employee from one place to another is purely administrative in nature and in administrative exigencies, an employer can transfer an employee even before an employee completes a tenure prescribed under the guidelines, if any. It has been reiterated by Courts in numerous cases that transfer is an



incidence of service.

6. In any view of the matter, the petitioner, as has been noted above, has continuously remained in the region for nearly eight years and at the present place of posting since 02.05.2017. After the order of transfer was issued on 16.05.2020, she was relieved on 17.07.2020. There does not appear to be any dispute over the fact that she handed over her charge also on 17.07.2020.

7. Mr. Keshav Srivastava, learned Senior Counsel appearing on behalf of the petitioner has stated that immediately after the order of transfer was issued on 16.07.2020, the petitioner represented before the Chief General Manager, Human Resource Management Department, NABARD, Mumbai on 20.07.2020.

8. In my opinion, in the facts and circumstances of the case as noted above, the order of transfer does not require any interference by this Court exercising jurisdiction under Article 226 of the Constitution of India.

9. This writ application is, however, disposed of with a direction that let the petitioner's representation dated 20.07.2020, if it has been received by the Chief General Manager, Human Resource Management Department,



NABARD, Mumbai be disposed of within a fortnight from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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