

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-603-2020(O&M)

Major Anil AhlawatAppellant
Versus

State Bank of India and othersRespondents

LPA-605-2020(O&M)

Ashish AhlawatAppellant
Versus

State Bank of India and othersRespondents

Date of Decision:**28.09.2020**

CORAM:HON'BLE MR. JUSTICE S.N. SATYANARAYANA
CORAM:HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Gurpreet Singh, Advocate
for the appellant(s) in both the cases.

Mr. Anupam Gupta, Sr. Advocate with
Mr. Akshay Jain, Advocate
for the respondents.

S.N. SATYANARAYANA, J.(Oral)

This order shall dispose of the aforementioned petitions
as the issues involves in both the appeals are same.

The petitioner(s) in CWP-7671-2020 and CWP-7937-2020 on
the file of learned Single Judge of this Court have come up in these two
appeals.

The appeal bearing LPA 603-2020 by the petitioner in CWP-
7671-2020 and LPA-605-2020 by the petitioner in CWP-7937-2020. In the
common order impugned, the stress is on the writ petition bearing CWP
No. 7671-2020, which was filed by Major Anil Ahlawat, where the

pleadings in CWP-7937-2020 are also discussed.

In sum and substance, the grievance of the petitioner(s) before the learned Single Judge (the appellant(s) herein) is that they have been unduly, unreasonably and arbitrarily removed and transferred out of Punjab and Chandigarh circle to Hyderabad, in case of appellant in LPA-603 of 2020 and so far as appellant in LPA-605 of 2020, to Amravati Circle, Bombay. The writ petitions which were filed by them were decided on merits rejecting their prayer. When these appeals were before the Hon'ble Chief Justice on 16.09.2020, it is stated that this matter was heard at length and thereafter adjourned with following observations:

“On the request of learned Senior counsel for the respondents, who wishes to seek instructions as to whether the petitioner can be adjusted in any nearby circle, the matter is adjourned to 28.09.2020.”

Thereafter, this matter is taken up for arguments afresh before this Bench. Heard the learned counsel for the appellant(s) as well as learned Senior Counsel for the respondent-Bank at length.

It is brought to the notice of this Court that learned Senior counsel for the respondent made the aforesaid submissions before the Hon'ble Chief Justice on 16.09.2020 in the background that the appellant in LPA-603 of 2020 pleaded cancellation of his transfer order on the ground that his wife is not keeping good health and she has serious injury to spinal and as well as suffering from Tuberculosis, which has put her in difficulty of walking and she is not able to move around in the house itself. It is in this background that learned senior counsel for the respondent would submit that he volunteered that the matter would be taken with the higher authorities and then if necessary, retaining the appellant-Mr. Anil Ahlawat in a nearest circle would be considered and thereafter he would place before

this Court certain materials which were taken out from the internet, which indicates that the appellant's wife is an entrepreneur and she is running a boutique in the name of Orange Fashion Lounge in Manimajra. The internet would give the complete particulars with reference to her efficiency in running the boutique and as well as her accomplishment in the said business. It would also furnish all the information including the business part which does not give any indication that the business is run by somebody and she is out of business due to ill health. Thereby, it clearly indicates that the intention of the appellant-Anil Ahlawat is to somehow continue to stay in the present Circle i.e. Chandigarh to ensure that the business of his wife is not effected because of his transfer and to suit that, several wrong statements are also said to be made by him. While placing all these things on record learned Senior counsel for the respondent would also bring to the notice of this Court the appointment order which was issued to the appellant-Anil Ahlawat in the year, 1992 where paragraph No. 4 would read as under:

“4. In this connection, please note that your services in the Bank will be liable to frequent transfers anywhere in India and requests for posting in a particular place/area will not be entertained. You are requested to give specific consent to this effect, along with your acceptance.”

It clearly indicates that it is not open for the appellant to challenge his transfer to any Circle within the country and the said order of appointment is accepted by the appellant(s) including the condition at Clause (iv). Further, on perusal of material available on record, it clearly seen that the appellant has been working in and around Chandigarh right from 1992 to this day, except for operational shift out of Chandigarh circle

that too to nearby places. In the entire service, the appellant has served the Chandigarh city itself for more than ten years and in the Chandigarh Circle for more than 25 years. When all this is seen, we are unable to understand the stubbornness with which the appellant is pursuing his desire to continue in Chandigarh itself. It is in this background that learned Single Judge has rightly passed the order impugned dated 03.09.2020 in dismissing the writ petition of Major Anil Ahlawat (appellant in LPA-603-2020) and as well as Ashish Ahlawat (appellant in LPA-605-2020).

When it comes to appellant-Ashish Ahlawat in LPA No. 605 of 2020, he is a youngster, aged 38 years. It is needless to say that the service conditions of the appellant in LPA No. 605 of 2020 is of similar nature. We are unable to understand the conduct of the appellant that in the beginning phase of his appointment itself he is trying to put weight around to see that he would get his place of choice on flimsy and unfounded reasons.

After going through the order impugned and as well as after hearing the learned counsel for the parties it is clearly seen that there is absolutely no merit in the grounds urged in both the appeals and further there is an attempt on the part of the appellant-Major Anil Ahlawat in LPA-603-2020 in trying to mislead this Court to believe that his wife is an housewife and she is confined to house because of ill health, which is nothing but a blatant lie before the Court to achieve his desire of stay in Chandigarh where he has been staying for the past 25 years.

In the aforesaid circumstances, we feel that his attempt to continue here by filing writ petition and thereafter the present appeal is nothing but as a matter of abuse of the process of law. Therefore,

while dismissing the appeals, we impose a costs of Rs. 50,000/- upon the appellant in LPA-603-2020 and a costs of Rs. 10,000/- upon the appellant in LPA-605-2020 which they shall deposit within two weeks from today failing which the same shall be recovered from their salary and to be deposited with High Court Legal Services Committee.

With such observations, both the appeals stand dismissed with costs.

Since the main appeals have been dismissed, no further orders are required to be passed in the miscellaneous applications.

[S.N. SATYANARAYANA]
JUDGE

[ARCHANA PURI]
JUDGE

September 28,2020

rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no