

08.11.2021
Sl. No.137
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 9916 of 2021
with
CAN 1 of 2021
(not in the file)

Sm. Debashmita Dutta
Vs.
State Bank of India & Ors.

Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta

....for the petitioner.

Mr. Debashis Saha,
Ms. Dipika Banu,
Ms. Namrata Chatterjee,
Mr. Souvik Dian

....for State Bank of India.

Affidavit of service filed in Court today is taken
on record.

The petitioner was transferred from Jagannath
Chawk Branch of State Bank of India (in short "SBI")
in the district of Paschim Midnapore to Panchkhuri
Branch also in Paschim Midnapore district. The
reason of transfer appears to be on the request of the
petitioner owing to a complaint of sexual harassment
at workplace being made by the petitioner. The
petitioner after joining Panchkhuri Branch sought for
retransfer. In the meantime, the petitioner was
hailed up for unauthorised absenteeism at
Panchkhuri Branch, for which the petitioner's service
was terminated. The petitioner challenged the order

of termination in a previous writ petition, being WPA 11464 of 2020. In terms of the order dated 19th January, 2021, the petitioner again joined Panchkhuri Branch. The petitioner is now seeking transfer from Panchkhuri Branch to Midnapore Branch.

The petitioner's service is a transferable service and the Courts are loathe in interfering with transfer orders since manning for administrative purpose is within the employer domain unless it is explicit in the face of the record that an employee is victimised by the transfer.

In this facts and circumstances, I dispose of the writ petition along with the connected application by directing the respondent no.3 to consider and dispose of the prayer for transfer made by the petitioner on 17th February, 2021 (appearing at page 88 of the writ petition) within a period of eight weeks from date by a reasoned order by affording the petitioner a reasonable opportunity to represent her case following the prevalent COVID - 19 protocol.

Parties including the respondent no.3 shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)