

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR**

WRIT PETITION NO.3461 OF 2020

Shri Vinod D. Meshram and others

Versus

State Bank of India and another

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Mr. A.D. Mohgaonkar with Mr. R.R. Pimpalkhute, Advocates for
Petitioners.

Mr. M. Anilkumar, Advocate for Respondents.

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 4 MARCH 2021

P.C.:

This Petition is filed by 28 employees of 'Clerical Cadre', of the Respondent- State Bank of India. They have challenged their orders of redeployment dated 18 August 2020, 25 August 2020, 26 August 2020, 27 August 2020, 29 August 2020, 1 September 2020, 2 September 2020 and 3 September 2020.

2. The opposition to the redeployment is based on the settlements which are arrived at between the Union and the Respondent- Bank on 22 July 2003 and 2 June 2005 and the communication issued by the Respondent- Bank on 29 May 2020

to all the Chief General Managers in respect of the transfer policy which is to be finalized and it is stated therein that the promotion and transfer should be put on hold until the policy is revised. Based on this communication, it is sought to be contended that the Petitioners have been hastily transferred from Nagpur to Chandrapur where they will be redeployed. It is also sought to be contended that there is no such requirement at Chandrapur and there are enough posts which are already vacant.

3. It is the case of the Respondent- Bank that certain administrative exigencies require redeployment of the Petitioners, more particularly in the difficult areas of the State, and the employees from Chandrapur have already joined at Nagpur, and if the employees from Nagpur do not join at Chandrapur, then there will be administrative exigencies. It is the contention of the Petitioners in the rejoinder that as to the employees who have been transferred from Chandrapur to Nagpur, the equal number of employees have already gone from Nagpur to Chandrapur and therefore there is no such requirement at Chandrapur.

4. The first position that we note is that the Petitioners have approached before us in their individual capacity challenging the orders of redeployment. The Respondent- Bank's assertion that certain posts are required to be filled up in Chandrapur and Gadchiroli regions upon redeployment is an administrative decision and it is not possible in writ jurisdiction to sit in appeal, which the Petitioners, by placing the data before us, are claiming

upon us to do. The second position that we note is that when the staff from Nagpur were redeployed at Chandrapur, no Writ Petition was filed and no contention was raised before us that there is any breach of settlement. No Petition by the employees through their Union alleging breach of the terms of settlement was moved. The only contention is that the Union was taking recourse to the remedies provided under the Industrial Disputes Act, 1947. Be that as it may, this fact is relevant when the writ jurisdiction of this Court is invoked. Further the communication dated 29 May 2020 is an internal communication and not to create a right in the Petitioners. Their posts remain transferable. Therefore we made it clear to the Counsel for the parties that we will look into the individual grievances of the Petitioners regarding genuineness of their redeployment.

5. We may note here that the employees from Chandrapur, who were redeployed at Nagpur and had already been joined at Nagpur but not questioned their redeployment, and the employees from Nagpur, who were redeployed at Chandrapur, are the members of the same Union and governed by the same redeployment policy. Furthermore, the impugned redeployment of the Petitioners, is not challenged in this Petition on the ground that they have not completed their tenure of posting at Nagpur as per the policy. In fact, the Petitioners are at Nagpur for more than ten years.

6. The learned Counsel for the Respondent- Bank submits that the case of each of the Petitioners will be examined as regards their hardships. If there are any medical grounds exist, necessary decision will be taken. It is also pointed out that only 12 Petitioners have made the representation. It is open to the other Petitioners to do so within a period of one week from today.

7. The argument that inter-change has already taken place and there is no need for additional employees at the place of redeployment, is to be considered by the Respondent- Bank and if the Respondent- Bank asserts that the presence of the Petitioners will be required at the place of redeployment, it is not possible for us to hold it otherwise.

8. We further do not want to go into the availability of alternate remedy before the Industrial Court, because the Petitioners are from clerical staff, as argued by the Respondent- Bank.

9. We dispose of this Petition by directing the Respondent- Bank to complete the exercise of assessing the individual grievances of each of the Petitioners and take a decision as to whether the Petitioners need to be redeployed at Chandrapur. It is also open to each of the Petitioners to point out to the Respondent- Bank that the post which the Petitioner has occupied is already being filled by inter-change, upon which a decision will be taken by the Respondent- Bank. This exercise be completed

within a period of three weeks from today.

10. The Writ Petition is accordingly disposed of.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Lanjewar

Prashant
Lanjewar

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signed by
Prashant
Lanjewar
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