



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.8706 of 2020

and

W.M.P.Nos.10555 & 10556 of 2020

1.All India Overseas Bank Employees Union,
Rep. by its General Secretary
(Reg No.1026/2000),
No.763, Anna Salai,
Chennai - 600 002.

2.G.Sekar

...Petitioners

-Vs-

1.The General Manager (HR),
Indian Overseas Bank,
Central Office, 763, Anna Salai,
Chennai - 600 002.

2.The Assistant General Manager,
Industrial Relations Department,
Central Office, No.763, Anna Salai,
Chennai - 600 006.

3.The Deputy Chief Labour
Commissioner (Central),
Shastri Bhawan, Fifth Floor,
No.26, Haddows Road,
Chennai - 600 006.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order No.CO/184/1/2020-21 dated 19.06.2020 issued by the first respondent-Bank read with the e-mail No. Nil dated 25.06.2020 of



the third respondent and quash the same as being illegal, arbitrary, unconstitutional and consequently issue a direction to the first respondent-Bank, to postpone the decision to transfer the clerical staff of the bank, until the Covid-19 pandemic situation improves and regular facilities are restored.

For Petitioners : Mr.C.Emalias

For R1 : Mr.N.G.R.Prasad

For R2 & R3 : Not ready in notice

ORDER

The first petitioner is an employees' association representing the employees of the Indian Overseas Bank, while the second petitioner is an employee of the bank. Both the petitioners are aggrieved against the transfers made by the respondent-Bank during the Covid-19 pandemic situation.

2. The scope of interference to an administrative transfer is very limited and the grounds raised by the petitioners herein may not fall within the exceptions for this Court to exercise its powers under Article 226 of the Constitution of India. However by taking into consideration of the Covid-19 pandemic situation, this Court had passed an interim order on 01.07.2020, by giving an opportunity to the members of the first petitioner-Association to give a representation seeking for re-transfer with a consequential direction to the respondent-Bank to consider such representation.

3. Pursuant to such orders of this Court, it is stated that the respondent-Bank had received 281 representations from all over the country, which were considered by the respondent-Bank and among those representations, 30 representations were considered favourably. When the respondent-Bank had thought it fit that these transfers are required for administrative reasons and have also re-considered 30 cases pursuant to interim orders of this Court, I do not find any reason to interfere with such an administrative decision. Furthermore, it is stated that all these transfers took place in the month of July, 2020 and all the transferred employees had also joined in their respective stations and have been continuing to work for more than one



4. Mr.Emalias, learned counsel for the petitioners would submit that the respondent-Bank had transferred their members by violating the Five Year Transfer Policy and transferred their employees from CCA Centre to non-CCA Centre. The learned counsel further submitted that insofar as the second petitioner is concerned, pursuant to the interim orders of this Court, his representation was considered favourably and hence, his grievance has been met.

5. The very basis on which the writ petition has been filed is by citing the Covid-19 pandemic situation and the inconvenience that could occur to the employees of the bank. It should also be kept in mind that the inconvenience would not only be to the employees of the bank but for the employer also in administering the bank activities. It is in this background that such an administrative decision has been taken.

6. A copy of the e-mail filed by the petitioners, evidences that a request was made by the Chief Manager, HRMD-C.O., to refrain from posting the staff from CCA Centre to non-CCA Centre. The e-mail is not a regulation, but only a request made and cannot be considered to be mandatory in nature. The copy of the regulations have not been circulated before this Court. Even otherwise, when the the Bank had thought it necessary to transfer some of its employees on administrative reasons, this Court would not normally interfere, in view of the the well laid decisions of this Court as well as the Hon'ble Supreme Court of India.

7. Thus, by taking into account the fact that the employees have already joined their service and are continuing to work for more than one year in their respective transferred stations, it would not be appropriate to interfere with such a transfer order at this stage. Hence, the writ petition stands closed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar



hvk/ata

To

WEB COPY

- 1.The General Manager (HR),
Indian Overseas Bank,
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Chennai - 600 002.
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Industrial Relations Department,
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No.763, Anna Salai,
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- 3.The Deputy Chief Labour
Commissioner (Central),
Shastri Bhawan, Fifth Floor,
No.26, Haddows Road,
Chennai - 600 006.

+1cc to Mr.N.G.R.Prasad, Advocate, S.R.No.54292

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and

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SSV(CO)
SB(02/11/2021)