

17.08.2022
ML-67
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16142 of 2022

Mithilesh Kumar Bharti
Vs.
Union of India & Ors.

Mr. Himangshu Ghosh,
Mr. Hemanta Kumar Das
.....for the petitioner.

Mr. Devajyoti Barman,
Mr. Sudhir Kumar Senapati,
Ms. Sanjukta Basu Mallick
.....for the respondent-bank.

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

The petitioner is presently discharging his duties as an Assistant Manager in Central Bank of India. By a transfer order dated 27th April, 2022, the petitioner was transferred from Durgapur Main Branch to Regional Office at Coimbatore in the same capacity of Assistant Manager in JMS Scale-1. The petitioner has joined the transferred place and is presently working thereat. The petitioner has challenged the transfer order on various grounds which include his own ill health, the health issues of his aged parents as also other family issues. The petitioner says that he has prior to filing of the writ petition made a representation on 21st May, 2022 for reconsidering

his transfer order, but the same has remained unadhered to.

The scope of interfering with transfer order of an employee is very limited. Transfer of an employee is normally left in the administrative domain of the employer as it relates to the smooth functioning and policy matters of the employer concerned.

However, in this case since the petitioner has already joined the transferred place, let his joining thereat be treated as an acceptance of the transfer order without prejudice to his rights and contention in the writ petition..

The writ petition is disposed of by directing the respondent no.2 to reconsider the issue of petitioner's transfer as per his representation taking into account the ill health and other factors mentioned by the petitioner vis-à-vis the transfer policy in vogue in Central bank of India.

The respondent no.2, if necessary, may give a personal hearing to the petitioner and dispose of the issues raised by the petitioner in connection with his transfer order dated 27th April, 2022 by a reasoned order within a period of three months from the date of communication of a server copy of the instant order. The reasoned order shall also be communicated immediately after being passed to the petitioner. The

respondent no.2 shall be free to independently decide the issues without being influenced in any manner by any observation made in the instant order.

All parties shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

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

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

(Arindam Mukherjee, J.)