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12.12.2022
S.D.

W.P.A. 21247 of 2022

**Santu Saha
Vs.
State Bank of India & Ors.**

Mr. Dilip Kumar Samanta
Mr. Biswapriya Samanta
... For the Petitioner

Mr. Subrata Kumar Sinha
..For the Respondents

In this writ petition, the petitioner prays for setting aside and/or cancellation of the transfer order dated July 15, 2022 and a release order dated July 16, 2022. The writ petitioner who is an employee of the State bank of India claims that he has been frequently transferred and such frequent transfer is not permissible under the guidelines/policies of the State Bank of India. From February 21, 2018 to June 29, 2018, the writ petitioner served as a Deputy Manager in Berhampore. From June 2018 to June 17, 2021, he served as a Branch Manager at Kalindi Branch. Thereafter, the petitioner served as the Branch Manager at Ballygunj Park from June 21, 2021 till May 13, 2022. On May 13, 2022, the petitioner was transferred to Brabourne Road Branch as the Branch Manager. Thereafter, the petitioner received a transfer order dated July 15, 2022 whereby he was

posted to the Currency Administrative Cell (CAC) at Balurghat. The petitioner has challenged the said order of transfer dated July 15, 2022. The petitioner was released from Brabourne Road Branch on July 16, 2022.

Mr. Samanta, learned counsel appearing on behalf of the petitioner submits that there is a *mala fide* intention behind such transfer. Furthermore, the petitioner's promotion will be unfairly affected if the petitioner is posted at CAC, Balurghat.

Mr. Sinha, learned counsel appearing on behalf of the State Bank of India submits that it was as per the petitioner's own prayer that he was transferred. The petitioner by a representation dated August 17, 2022 wanted to be released from the post of the Branch Manager because of deteriorating health and made a representation to the Deputy General Manager & CDO, State Bank of India. The petitioner was examined by the senior two officers of the State Bank of India and was recommended to continue his regular duties for the bank. Despite such recommendation, the petitioner's prayer for lighter duties were accepted and the petitioner was posted to CAC, Balurghat. From the report on affidavit, it also transpires that 18 transfers have been made by the State Bank

of India to employees who have served at a Branch for less than one year.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that the impugned transfer order dated July 15, 2022 was made at the behest of the petitioner. The petitioner was released from the post of the Branch Manager at his request. It was not a voluntary decision taken by the respondent/bank. The petitioner was posted to CAC, Balurghat. The petitioner has not made any prayer for non-continuance of his service at CAC, Balurghat on the ground that there is no opportunity of being promoted if he continues his service at the said office. Since that prayer has not been made in the writ petition, the said issue is not considered by this Court.

This Court finds that the employer/SBI cannot be held responsible for premature transfer since the same was made pursuant to the representation dated July 25, 2022 made by the petitioner himself. Despite the report of the Chief Medical Officer, the employer did not hold the petitioner to his position of the Branch Manager at Brabourne Road Branch. The employer/SBI released him from such duties and acceded to his request. Therefore, the employer cannot be

held liable for violation of any legally tenable right of the petitioner.

In the light of the discussions above, **W.P.A. 21247 of 2022** is **dismissed** without any order as to costs.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

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

(Lapita Banerji, J.)