



W.P.No.27019 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27019 of 2022
and
W.M.P.No.26241 of 2022

Sumya P.

... Petitioner

Vs.

1.The Chairman,
Puduvai Bharathiar Grama Bank,
(Sponsored by Indian Bank),
415, Kamaraj Salai, Saram,
Puducherry - 605 013.

2.General Manager,
Puduvai Bharathiar Grama Bank,
(Sponsored by Indian Bank),
415, Kamaraj Salai, Saram,
Puducherry - 605 013.

3.The Senior Manager,
Puduvai Bharathiar Grama Bank,
(Sponsored by Indian Bank),
415, Kamaraj Salai, Saram,
Puducherry - 605 013.

4.The Branch Manager,
Puduvai Bharathiar Grama Bank,
(Sponsored by Indian Bank),



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Madukarai,
Pondicherry - 605 106.

5. The Branch Manager,
Puduvai Bharathiar Grama Bank,
Pandakkal Branch,
13/52H, Avittam Building,
Pandakkal Post, Mahe - 673 310.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records from the 2nd and 3rd respondent in transfer order No.OA(MP)/TR/22/2022-23 dated 16.09.2022 and quash the same as illegal, arbitrary and violative of principles of natural justice and directing the 2nd and 3rd respondents to re-transfer / retain the petitioner to the same place.

For Petitioner : Mr.P.Prakash Paul

For Respondents : Mr.Jayesh B.Dolia
for M/s.Aiyer and Dolia

ORDER

The petitioner has challenged the transfer order dated 16.09.2022 in this Writ Petition under which the petitioner has been transferred from Mahe to Pondicherry.



2. The petitioner claims that it is a punitive transfer and is a vindictive one. The petitioner claims that she is having a one and a half years old baby and a widowed mother to take care and therefore, it will be difficult for her to join duty at Pondicherry, which is six hundred kilometers away from Mahe. The petitioner has also filed documents in support of her contentions that her impugned transfer is a punitive transfer.

3. A Counter Affidavit has been filed by the respondents, denying the contentions of the petitioner, wherein, they have categorically contented that only for administrative reasons, several other employees including the petitioner were transferred from Mahe to Pondicherry and vice versa and to other places.

4. As seen from the pleadings of the respective parties, this Court cannot come to the conclusion that the impugned transfer order is a punitive transfer order.

5. Learned counsel appearing for the respondents has also placed before this Court the list of persons who have been transferred from Mahe



to Pondicherry and the petitioner is one amongst them. It is also contended by the petitioner that only on account of seeking leave for longer period, the respondents have issued the impugned transfer order.

6. This Court is of the considered view that the said reason cannot be construed to be a punitive transfer. Any person seeking leave will have to get the permission of the competent authority who has to sanction the said leave. The refusal to grant leave or for refusal to grant leave for the period sought for by the petitioner cannot be held against the employer and the petitioner's contention that resulted in the issuance of the impugned transfer order cannot be accepted by this Court.

7. Under normal circumstances, this Court would not interfere with transfer orders that too when the respondents categorically contend that the impugned transfer order has been issued only for administrative reasons and that too when there is no clinching evidence placed before this Court by the petitioner to prove that the impugned transfer order is a punitive transfer order. The only limited relief that can be granted to the petitioner in this Writ Petition is that on joining duty at the place of transfer i.e., at



Pondicherry, the petitioner can be permitted to submit a representation to the respondents, requesting for re-transfer back to Mahe, considering her plight and on receipt of the said representation, a direction can be issued to the respondents to consider the same on merits and in accordance with law within a time frame to be fixed by this Court. Learned counsel for the petitioner would submit that the petitioner is satisfied if such a direction is issued by this Court.

8. For the foregoing reasons, this Writ Petition is disposed of by directing the petitioner to join duty at the place of transfer i.e., at Pondicherry within a period of ten days from the date of receipt of a copy of this order. On joining the duty at Pondicherry as per the impugned transfer order, the petitioner is permitted to give a representation to the respondents, requesting for re-transfer to Mahe after giving due consideration to her plight and on receipt of the said representation, the respondents are directed to pass final orders on merits and in accordance with law, within a period of four weeks thereafter on such a representation.



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9. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
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ABDUL QUDDHOSE. J.,

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