



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2022

CORAM:

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.12384 of 2021

and

WMP(MD) Nos.9727 and 9728 of 2021

R.Senthilraja

... Petitioner

Vs.

1.The Regional Manager,
State Bank of India,
Region-3, Trichy Zone
BSNL Building
22 Nethaji Street,
Opp to New Bus Stand
Karaikudi.

2.The Deputy General Manager (B&O)
State Bank of India,
Administrative Office,
State Bank Road,
Trichy 620001.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned order of transfer passed by the 1st respondent in his proceedings RM-III/TRY/11/000112 dated 30.06.2021 and to quash the same as illegal and contrary to the Advisory Guidelines for Annual Transfer Exercise 2021-2022 dated 20.04.2021 issued by the respondent bank and contrary to the office order dated 25.03.2021.

For Petitioner	: Mr.B.Saravanan
For Respondents	: Mr.M.Kannan

ORDER

The order of transfer transferring the writ petitioner from Karaikudi, Sivagangai District to R.S.Mangalam, Ramanathapuram District is under challenge in the present writ petition.

2.The petitioner is working in the cadre of Deputy Manager and initially joined at Udumalpet Agricultural Development Bank. The petitioner was recruited in the officer cadre specially for



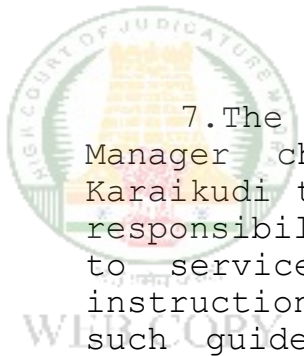
marketing and recovery in agricultural hubs. Therefore, he is a specialized officer holding a degree in Agriculture. He was promoted as Deputy Manager on 28.05.2018.

3.The learned counsel for the petitioner mainly contended that the respondent Bank modified the organizational structure in office order dated 25.03.2021. As per the revised organizational structure, which is implemented with effect from 15.05.2021, the petitioner is to be retained at Karaikudi itself. He has to be posted in the agricultural hubs, as the district sales hub was already abolished. Therefore, in the existing regional sectors, the petitioner is to be accommodated.

4.The learned counsel for the petitioner relied on the annual transfer policy guidelines issued by the respondents on 20.04.2021. As per the above instructions, the petitioner is to be retained in the same place, as he has completed two years of service in the present station. For all these reasons, the order impugned is liable to be set aside.

5.The learned counsel for the respondents objected the said contention by stating that modification in organizational sector is the policy decision of the State Bank of India. Admittedly, the petitioner was appointed in a specialized category to work in agricultural hubs. He was posted for marketing and recovery of agricultural sectors and therefore, he has to be accommodated in the specialized areas for sanctioning of agricultural loans and other related facilities and activities. The modification in organizational sector is no way connected with the transfer of the writ petitioner. As per the policy, the District sales hub outfits were abolished and on such abolition, the petitioner was transferred to R.S.Mangalam at Ramanathapuram District, which is also an agriculture related branch and the petitioner is vested with the powers of sanctioning the agricultural loans and all related activities. Therefore, the transfer order has been issued on administrative grounds and the writ petition is to be rejected.

6.The petitioner is working in the cadre of Deputy Manager, which is a responsible and higher position in the State Bank of India. He was recruited as a specialized officer to look after marketing and recovery of agricultural hubs and therefore, all along he is working in the agricultural branches involving various activities related to agriculture. Due to the modification in organizational structure, the district sales hub were abolished and several measures were taken by the State Bank of India and pursuant to the implementation and modification in organizational structure, the petitioner was transferred from Karaikudi to R.S.Mangalam and therefore, such reason undoubtedly is to be construed as an administrative reason.



7.The petitioner being an officer in the cadre of Deputy Manager challenging the transfer order transferring him from Karaikudi to R.S.Mangalam is no doubt unusual, as he holds a higher responsibility in the State Bank of India. Transfer is incidental to service, more so, a condition of service. The transfer instructions or guidelines would not have any statutory force, as such guidelines are issued to facilitate the administration to maintain consistency in the matter of transfers. However, such guidelines would not provide any absolute right for the employees to choose particular place or post. The petitioner has no right to claim any particular post either at Karaikudi or at Ramanathapuram District. It is the administrative prerogative of the authorities to post an employee in a particular place or post in the interest of the administration of the State Bank of India, which is the largest bank in the Country. Therefore, the scope of entertaining a writ petition against such transfers are limited. Unless the transfer orders are tainted with mala fides or issued by an incompetent authority, no writ needs to be entertained. The authorities against whom such allegations are made are to be impleaded as respondent in the personal capacity and the allegations are to be substantiated beyond any pale of doubt. In all other circumstances, all administrative transfer to cause inconvenience to the customers or bank administration can never be interfered with by the high Court. High Court would not interfere with the administration of the nationalised bank and such intervention would undoubtedly cause inconvenience to the bank for smooth functioning of the branches or office.

8.This Court is of the considered opinion that the petitioner being a Deputy Manager in State Bank of India is expected to show devotion to his duty as he is holding higher position and a mere transfer from Karaikudi to R.S.Mangalam would not affect his normal life. His salary is far higher than the subordinate employees working in the State Bank of India. The Deputy Managers are conferred with many perquisites and facilities by the State Bank of India. They have to realise that such facilities are provided from and out of the money invested by the customers.

9.Everywhere there may be some personal inconvenience or otherwise. However, the public interest must be given top priority by the public servants. Any self interest in this regard can never be appreciated but to be deprecated. Once a person entered into public service is expected to be more dedicated and devotion to duty and the petitioner, who is holding a higher responsibility, is expected to join in the transferred place and work for the welfare of the organisation.

10.The learned counsel for the respondents brought to the notice of this Court that during the pendency of the writ petition, the petitioner has joined duty in the transferred place. This being the circumstances, this Court do not find any infirmity or



perversity as such in respect of the administrative transfer issued to the petitioner, which is impugned in this writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

To

1.The Regional Manager,
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Karaikudi.

2.The Deputy General Manager (B&O)
State Bank of India,
Administrative Office,
State Bank Road,
Trichy 620001.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-19967[F] dated 21/04/2022)

+1 CC to M/s.M.KANNAN, Advocate (SR-20698[F] dated 22/04/2022)

W.P. (MD)No.12384 of 2021
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RS (06.05.2022) 4P-5C