



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2022

CORAM:

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

W.P. (MD)No.12493 of 2021 and

WMP(MD) Nos.9785 and 9786 of 2021

WEB COPY

K.Saravanan

... Petitioner

Vs.

- 1.The Circle Development Officer
Local Head Office,
State Bank of India
Nungambakkam, Chennai.
- 2.The Regional Manager,
State Bank of India
FIMM Regional Business Office 5
24 G.K.N.Building,
North Car Street,
Nagercoil, Kanyakumari District.
- 3.The Deputy General Manager (B&O)
State Bank of India
Administrative Office,
Madurai Zone,
Madhuran Complex,
No.2 Dr.Ambedkar road,
Madurai 625 002

... Respondents

PRAYER: Writ Petition is filed 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 in office order No.2021-22/15 dated 27.05.2021 in respect of S.No.37 alone and the consequential impugned order of transfer passed by the 2nd respondent in his proceedings RM/RBO-V/HR/2021-22/22 dated 04.06.2021 and to quash the same as illegal and contrary to the Advisory Guidelines for Annual Transfer Exercise 2021-22 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 Manavalakurichi, Kanyakumari District to Hosur, Dharmapuri District is under challenge in the present writ petition.



2.The petitioner is working in the cadre of Assistant Manager and initially joined at Ahmedabad Circle. The petitioner was recruited in the officer cadre. He was promoted as Branch Manager on 21.08.2019.

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 Manavalakurichi itself. Therefore, it is submitted by the learned counsel for the petitioner that as per the office order, in the existing Regional Business Offices, 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 one year 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 as Branch Manager. The modification in organizational sector is no way connected with the transfer of the writ petitioner. 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 Branch Manager, which is a responsible and higher position in the State Bank of India. He was recruited as an Assistant Manager and therefore, all along he is working in the branches. Due to the modification in organizational structure and pursuant to the implementation and modification in organizational structure, the petitioner was transferred from Manavalakurichi to Hosur and therefore, such reason undoubtedly is to be construed as an administrative reason.

7. The petitioner being an officer in the cadre of Branch Manager challenging the transfer order transferring him from Manavalakurichi to Hosur 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 Manavalakurichi or at Hosur, Dharmapuri District. It is the administrative prerogative of the respondents 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 Branch 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 Manavalakurichi to Hosur would not affect his normal life. His salary is far higher than the subordinate employees working in the State Bank of India. The Branch 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 facts and 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.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)



+1 CC to M/s.B. SARAVANAN, Advocate (SR-19966[F] dated 21/04/2022)

+1 CC to M/s.M. KANNAN, Advocate (SR-20702[F] dated 22/04/2022)

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