



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.22565 of 2021

and

W.M.P(MD)Nos.19087 of 2021 and 1459 of 2022

Biswojit Mahapatra

:Petitioner

.vs.

The General Manager,
HRM Section,
Circle Office,
Canara Bank,
East Veli Street,
Madurai - 625 001.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the respondent in proceedings No.REF:MDUC HRM TO 803 E12 2021, dated 07.12.2021 and to quash the same.

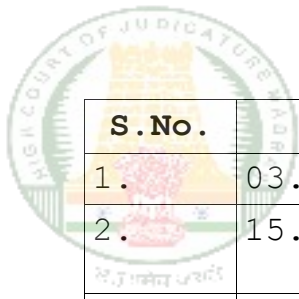
For Petitioner :Mr.M.Saravanan
for Mr.R.Subramanian
For Respondent :Mr.Dilip Kumar

O R D E R

The order of transfer dated 07.12.2021 is under challenge in this writ petition.

2.The petitioner has been transferred from Canara Bank, Adoni Branch, Vijayavada Circle, at Andrapradesh.

3.The learned counsel appearing for the petitioner mainly contended that the petitioner was appointed as Marketing Officer in the Canara Bank and joined the service on 21.10.2013 and from that date onwards he was frequently subject to transfer to various places. The details of the transfers effected on the petitioner are set out in the affidavit filed in support of the writ petition, which reads as follows:

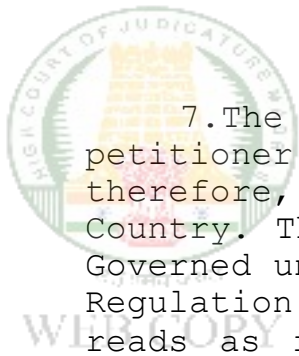


S.No.	Date	Transfers
1.	03.12.2013	Bhuvaneshwar Circle Office to Baripada Branch
2.	15.04.2014	Baripada Branch to Bhuvaneshwar Retail Asset hub
3.	30.08.2014	Bhuvaneshwar Retail Asset hub to Rayaguda
4.	13.11.2014	Rayaguda to Sambalpur
5.	12.08.2016	Sambalpur to Cuttack Buxi Bazar
6.	31.10.2017	Cuttack Buzi Bazar to Cuttack Choudary Bazar
7.	07.08.2018	Cuttack Choudary Bazar to Madurai Retail Asset Hub
8.	06.12.2019	Madurai Retail Asset Hub to Madurai Town Hall Road Branch
9.	17.07.2021	Madurai Town Hall Road Branch to Thanjavur Main Branch
10.	07.12.2021	Thanjavur Min Branch to Adoni, Andra Pradesh.

4.Relying on the above particulars, the learned counsel for the petitioner reiterated that such frequent transfers would reveal that the authorities have penalized the petitioner and on that ground the order of transfer is to be set aside. Yet another ground canvassed on behalf of the petitioner is that the authority, who issued the impugned order of transfer, has no jurisdiction. As far as the respondent who issued the impugned order is concerned, he has empowered to issue transfer within the State of Tamil Nadu and he has no authority to issue an order of transfer transferring the petitioner to Andrapradesh. Thus, the writ petition is to be considered.

5.The learned counsel appearing on behalf of the respondent Bank objected the said contentions by stating that a perusal of the reference made regarding the transfer by the petitioner in his affidavit the petitioner has made an attempt to project as if he has transferred to various places within 8 years of service. In fact from his date of appointment till 07.08.2018, the petitioner was posted in and around Bhuvaneshwar circle alone and he was not transferred to any outside the State.

6.The details provided by the petitioner in the column stated above would reveal that all the places in which he was transferred in and around Bhuvaneshwar and he was not transferred outside the State of Orissa. First time the petitioner was transferred from the State of Orissa to the State of Tamil Nadu in proceedings dated 07.08.2018 ie., from Cuttack Choudary Bazar to Madurai Retail Asset Hub.



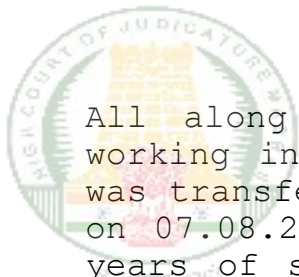
7.The learned counsel for the respondent reiterated that the petitioner was recruited to the post of an Officer Marketing and therefore, he is liable to be transferred to any place across the Country. The condition of the service of the Officers Marketing is Governed under Canara Bank (Officers') Service Regulations, 1979 and Regulation 47 of Canara Bank (Officers') Service Regulation 1979, reads as follows, "**Transferability - Every officer is liable for transfer to any office or branch of the Bank or to any place in India.**" Accepting the above transfer condition, the petitioner is working as officer Marketing and he was not frequently subjected to transfer as alleged in the writ petition. He was transferred from the year 2013 to 2018 in and around Bhuvanewar and first time, the officer was transferred from Cuttack Choudary Bazzar to Tamil Nadu in the year 2018. Pursuant to the interim order, the learned counsel for the respondent states that the Bank is paying salary without extracting any work from the petitioner.

8.As far as the jurisdiction point raised by the petitioner is concerned, counter states that the respondent has not issued an order of transfer by exercising his power, in fact he has communicated the decision taken by the Head Office at Bangalore. The communication of the transfer order is under challenge. Therefore, the order of transfer was issued by the competent authority, more specifically, the Personnel Management Section, Human Resource Wing, Head Office at Bangalore and the said order was intimated to the Circle vide letter in Ref.No.HRW PM 64 10331 2021 dated 03.12.2021. Thereafter, the order was communicated to the petitioner by the respondent vide impugned communication. This being the factum, the point of jurisdiction deserves no merits for consideration.

9.Transfer is an incidental to service. Moreso, a condition of service. No doubt, an order of transfer can be challenged on limited grounds, that is to say the order of transfer issued without jurisdiction or the allegation of malafides are raised. Though the learned counsel for the petitioner raised certain allegations against the authorities, he has not implicated the concerned authority as party respondent in the writ proceedings and therefore, the same is not substantiated.

10.As far as the point of jurisdiction raised in the writ petition is concerned, the respondent is able to establish that the competent authority viz., the Head Office issued the order of transfer in proceedings, dated 03.12.2021 and such proceedings of the Head of the Department was communicated by the respondent to the writ petitioner and therefore, the order of transfer was issued by the competent authority.

11.The petitioner is working as an Officer Marketing and as alleged, he was not frequently subjected to transfer to other State.



All along from the date of appointment till 07.08.2018 he was working in and around Bhuvaneswar, Orissa State and first time he was transferred from the State of Orissa to the State of Tamil Nadu, on 07.08.2018 and now he has been transferred, on completion of 3 years of service in the State of Tamil nadu. As per the Transfer policy and as per the Bank, the officer is liable to be transferred to any place or branch of the office or to any places of India. No doubt, if at all the Officer of the Bank has certain personal grievance, he is at liberty to approach the competent authority for redressal. Contrarily, the High Court, by exercising the power of judicial review under Article 226 of the Constitution of India, shall not interfere with the order of administrative transfer which are all issued in the interest of public administration and the Court cannot interfere with the day to day administration of the Nationalized Bank. The competent authority of the bank has to decide how to extract work and where to accommodate the employees in the interest of the bank and its administration.

12.Under these circumstances, the petitioner is not entitled for any relief as such sought for in the present writ petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To
The General Manager,
HRM Section, Circle Office,
Canara Bank, East Veli Street,
Madurai - 625 001.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-7545[F] dated 21/02/2022)
+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-7923[F] dated 22/02/2022)

ORDER MADE IN
W.P (MD) No.22565 of 2021
and
W.M.P (MD) Nos.19087 of 2021
and
1459 of 2022
21.02.2022

CK (CO)

GC (09.03.2022) 4P 4C

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