

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11389 of 2022

1. Deepak Kumar son of Late Alakh Narayan Singh, C/o Surendra Singh, resident of Village - Janpur, P.S. - Barun, District - Aurangabad, presently posted in Indian Overseas Bank, Kathal Bari Branch, Darbhanga, Near Kathal Bari Chowk, P.S. - Lalbagh within District - Darbhanga.
2. Rajeev Kumar son of Ram Bilas Choudhary, C/o Ramjee Prasad Singh (Sub Inspector), resident of Mohalla - New Bigrahpur, Bihari Path, P.S. -Jakkanpur within District - Patna, presently posted in Indian Overseas Bank, Buxar Branch, Nav Durga Complex, Near Ambedkar Chowk, Collectorate Road, Buxar, P.S. - Buxar within District - Buxar.
3. Shailendra Kumar son of Sahdeo Prasad, C/o Gajendra Prasad, resident of Mohalla - Makhdumpur, Gate No. 89, P.S. - Digha within District - Patna, presently posted in Indian Overseas Bank, Chapra Branch, Mouna Neem, Gola Road, Near Hanuman Mandir, P.S. - Chapra Sadar within District - Saran (Chapra).
4. Mahesh Roy, son of Late Sriram Roy, Resident of Mohalla - Gola Road, Jhakhari Mahadeo, Danapur, P.S. - Danapur, within District - Patna, presently posted in Indian Overseas Bank, Kachchi - Pukki Branch, Girija Pla, Aghoria Bazar Chowk, P.S. - Kazi Mohammadpur within District- Muzaffarpur.
5. Sandeep Kumar Raju son of Ravindra Singh, resident of Village -Jagatpur, P.S. - Telmar, District - Nalanda, presently posted in Indian Overseas Bank, Warisaliganj Branch, Opposite Raj Cinema Hall, Main Road, P.S. - Warisaliganj, within District - Nawada.
6. Sunil Kumar Rao son of Mokhtar Rao, resident of Mohalla- Khushitola, Near Patharighat, Bettiah, P.S. - Bairiya, within District -West Champaran, presently posted in India Overseas Bank, Raxaul Branch, Laxmi Market, P.S. - Raxaul within District - East Champaran.
7. Ranjeet Kumar son of Shyam Kishore Shahi, resident of Village - Khopi, Ward No. 11, P.S. - Runnisaidpur, District - Sitamarhi, presently posted in Indian Overseas Bank, Raxaul Branch, Laxmi Market, Main Road, P.S. Raxaul, within District - East Champaran.
8. Manish Mishra son of Madhusudan Mishra, resident of Mohallah- Uttarwari Pokhra, Pakki Phulwari, P.S - Bettiah, District - West Champaran, presently posted in Indian Overseas Bank, Bakhri Branch, Ramnagar, P.S - Dumari within District - West Champaran.
9. Subodh Kumar Ambast son of Late Satya Narayan Prasad, resident of Mohallah - Kabirchak, Near Durga Mandir, P.S - Sadar, District - Darbhanga, presently posted in Indian Overseas Bank, Dullipatti Branch, P.S - Jainagar within District - Madhubani.
10. Suryakant Yadav son of Shambhu Prasad Yadav, resident of Mohallah - South Shastrinagar, Road No. 9, P.S. - Kasim Bazar, District - Munger, presently posted in Indian Overseas Bank, Buxar Branch, Nav Durga Complex, Near Ambedkar Chowk, Collectorate Road, Buzar, P.S. - Buxar (T) within District - Buxar.



11. Pappu Kumar Paswan, son of Sri Sahdeo Paswan, resident of Village - Jafrabad Desari, P.S. - Desari, District - Vaishali, presently posted in Indian Overseas Bank, Sitamarhi Branch, Kiran Chowk, Central Market, Main Road, P.S - Sitamarhi, within District - Sitamarhi.

... .. Petitioners

Versus

1. The Union of India through its Finance Secretary, Department of Finance, New Delhi.
2. The Chairman-Cum-Managing Director, Indian Overseas Bank, Central Office, 763, Anna Salai, Chennai - 600002.
3. The General Manager, Human Resources Management Department (Clerical Section), Indian Overseas Bank, Central Office, 763, Anna Salai, Chennai - 600002.
4. The Chief Regional Manager, Indian Overseas Bank, Naseema Building, West of Gandhi Maidan, Near Biscomoun Bhawan, P.S. - Gandhi Maidan, within District Town - Patna - 800001.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s : Mr. Anshuman Singh, CGC
Mr. Ranjay Kumar, AC to CGC

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioners and learned
counsel for the Union of India.

The petitioners in the present case are seeking the
following reliefs:-

“(i) For commanding and directing the concerned respondents, particularly respondent No.3 and 4 to provide Choice Posting to the petitioners in compliance of the Transfer Policy for Clerical and Messenger Staff approved by the Board of the concerned Bank in its meeting dated 09.02.2021 and as communicated to all concerned vide letter dated 29.03.2022 (Annexure-12) and as circulated vide Circular No. 36 of 2022-23 dated 15.06.2022 (Annexure-13) and as Codified vide Standard Operating Procedure (SOP) dated 16.06.2022 (Annexure-14).



(ii) For such other relief(s) for which the petitioners may be found entitled in the facts and circumstances of the case.”

Learned counsel for the petitioners submits that as per the new transfer policy of the Bank, the petitioners have applied giving choice of their posting. The new transfer policy is contained in Annexure ‘12’ to the writ application.

Learned counsel submits that the manner in which the transfer policy has to be effected and one may apply for such transfers may be found from Annexure ‘14’ dated 16.06.2022 which is in the nature of the Standard Operating Procedure.

Learned counsel submits that these petitioners have already submitted their choice of posting but the respondent authorities are sitting over the matter and while some of the persons similarly situated have been given their choice posting on pick and choose basis, some people like the petitioners have yet been retained to the same branch.

Learned counsel submits that the transfer policy has to be applied uniformly for each and all but the respondents are not doing that which is causing hardship to the petitioners.

Learned counsel submits that each of the petitioners have submitted their respective representations which are pending consideration before the competent authority.

In the given facts and circumstances of the case, at



this stage, this Court directs the Chief Regional Manager, Indian Overseas Bank (Respondent No. 4) to consider the representations of the petitioners keeping in view the new transfer policy and take an appropriate decision thereon by passing a reasoned order within a period of one month from the date of receipt/production of a copy of this order. This Court would expect that no discrimination takes place in the matter of application of the transfer policy.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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