

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-15498-2022

Date of decision : 03.02.2023

Pankaj Kumar

...Petitioner

Vs.

**Indian Overseas Bank, Personal
Administration Department and others**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Kumar, Advocate for
Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for the respondents.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of the transfer order dated 29.06.2022 (Annexure P-5), thereby transferring him from District Jhajjar to District Gurgaon, as the impugned transfer order is illegal, arbitrary and violative of the transfer policy dated 29.03.2022 (Annexure P-4).

Learned counsel submits that the petitioner joined on the post of Clerk with respondent-Bank on 28.08.2014 and ever since joining the service, his conduct and work is very good. He further submits that the petitioner permanently belongs to District Hisar and after the death of his father, he is sole earning member to take care of his aged mother, wife and two children, therefore, he sent a request to respondent No.3 on 10.03.2016 requesting for transferring him to either Hisar or Bhiwani,

which was forwarded with the favourable recommendation and was registered w.e.f. 18.04.2016 by the administrative department of respondent No.1-Bank. Learned counsel has further pointed out that the respondent No.1-Bank introduced the standard policy for transfer of clerical and messenger staff on the basis of a meeting dated 09.02.2021, whereupon the petitioner was transferred vide impugned order dated 29.06.2022 from Jhajjar to Gurgaon. He submits that petitioner again submitted a representation on 30.06.2022 (Annexure P-6), but his request has not been favourably considered, therefore, he seeks indulgence of this Court for setting aside the impugned transfer order.

After hearing learned counsel and considering the submissions, this Court finds that the grievance of the petitioner against the transfer order dated 29.06.2022 is based upon his own convenience and choice, because when he was offered appointment in the year 2014 to join the place of posting at Jhajjar, he immediately left home town Hisar to accept the post of Clerk with respondent No.1. The decision of the department to transfer its employees is based upon various factors in order to strengthen the administration and such orders are not to be interfered in an ordinary or routine manner. The new place of posting of the petitioner is not far away from Jhajjar as Gurgaon is situated at a distance of approximately 40 k.ms.

During the course of hearing, it is also not disputed by the learned counsel that by virtue of the transfer policy dated 29.03.2022 (Annexure P-4) the staff members should be transferred from the

Branch/Office compulsorily at least once in 3/5 years. A perusal of the policy further shows that the transfer of employee after five years of service is limited to a branch situated at a maximum distance of 50 k.m from the present place of posting. Thus, in the given facts, it cannot be said that the impugned transfer order is arbitrary or violative of transfer policy.

Resultantly, this Court does not find it to be a fit case for exercise of writ jurisdiction under Article 226 Constitution of India.

Dismissed.

(MANOJ BAJAJ)
JUDGE

03.02.2023

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No