

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

124

CWP-23783-2019

Date of Decision : 05.10.2023

Chandani

..... Petitioner

Versus

Bank of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Petitioner in person with
 Mr.Ramesh Kumar, Legal Aid Counsel
 for the petitioner.

 Mr.R.N.Lohan, Advocate
 for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking directions to the respondents to accept her resignation dated 13.12.2018 (Annexure P-14) and setting aside of memorandum dated 06.08.2019 (Annexure P-30) whereby respondents have initiated enquiry on account of petitioner being absent from duty.

2. The petitioner vide letter dated 15.07.2013 was appointed as General Banking Officer in Junior Management Grade/Scale I. The petitioner joined her duty on 23.07.2013. The petitioner applied and got maternity leave from 13.10.2016 to 10.04.2017. She further sought sick leave w.e.f. 11.04.2017 to 30.06.2017. While the petitioner was on leave, the respondent-bank relieved the petitioner and she was directed to join Rajkot on 01.07.2017. The petitioner on account of her ill-health and having child of few months could not join at Rajkot and repeatedly

requested the respondents to cancel transfer order. The petitioner further submitted that she is staying at Zirakpur with her spouse who is running his own IT Firm in Chandigarh and it is not possible for her to move from Chandigarh to Rajkot. The petitioner in terms of para 2.5 of the transfer policy requested the respondent to reconsider transfer order. The respondent did not accede request of the petitioner, thus, left with no other option, the petitioner submitted her resignation on 13.12.2018. The respondent vide memorandum dated 06.08.2019 (Annexure P-30) on the ground of absent from duty initiated departmental proceedings against the petitioner.

3. Learned counsel for the petitioner submits that as per para 2.5 of the Policy, the petitioner being female employee was supposed to be placed where her husband is stationed or as near as possible to that place whereas the petitioner was transferred from Chandigarh to Rajkot. The petitioner left with no option requested the respondents to accept her resignation, however, respondent-bank acting in an arbitrary manner has refused to accept her resignation.

4. Per contra, learned counsel for the respondents submits that the petitioner has not submitted resignation letter at Rajkot, thus, her resignation could not be accepted. The Head Office has already rejected her resignation, thus, her resignation at this stage cannot be accepted. The petitioner remained absent, thus, the bank was forced to issue impugned memorandum. The petitioner was supposed to join at Rajkot and thereafter she could file resignation.

5. I have heard the arguments of learned counsel for the parties and perused the record.

6. It is undisputed fact that the respondent-bank is a nationalised bank having its branches across the country. It is not a case that the petitioner has been shifted from one authority/department to another authority/department whereas it is a case where the petitioner has been transferred from one branch to another branch of the same bank. It is well known fact that in our country, it is very difficult to get Government job, thus, it cannot be accepted that anyone is going to resign at his/her own free will. The petitioner was transferred ignoring the fact that she is a married woman, her husband is working at Chandigarh and she had delivered a child few months back prior to the date of transfer. Paragraph 2.5 of the Policy specifically provides that a married woman shall be placed at the working place of the husband or nearby to that place. Para 2.5 of the Policy reads as :

(C) TRANSFER OF FEMALE EMPLOYEE

As far as possible, placement/transfer of married female employee, on her request, may be done at a place where her husband is stationed or as near as possible to that place or vice versa and unmarried female employee, on her request, at a place where her parents are stationed or as near as possible to that place.

As a matter of prudent policy, it is always desirable that an officer, upon promotion, required to assume higher responsibilities should normally be moved out from her previous office to another one, either in the same station or outside as per needs of the Bank.

7. The respondents firstly in violation of its Policy transferred the petitioner from Chandigarh to Rajkot and adding to the woes did not

accept her resignation. The approach adopted by the bank seems to be harsh, pedantic and highly technical. It appears that the authorities have acted in a very mechanical and ruthless manner. The conduct of the officials dealing with this matter needs to be deprecated. The respondent-bank is not supposed to behave in the manner in which they have behaved with a married woman having child of few months. The petitioner offered resignation because it was impossible for her to join at Rajkot. The stand of the respondents is that petitioner was required to join at Rajkot prior to filing resignation is totally baseless when it could be accepted by Head Office. Merely joining at Rajkot had not changed the facts and figure. The petitioner is not entitled to pension so no prejudice is going to cause to the respondent if resignation is accepted without compelling petitioner to join at Rajkot. The impugned memorandum is outcome of baseless opinion of the respondents.

8. In view of above facts and circumstances, the present petition deserves to be allowed and accordingly allowed. The impugned memorandum is hereby quashed and respondent-bank is directed to consider application of the petitioner seeking resignation and pass fresh order within two weeks from today, ignoring her non-joining at Rajkot.

9. The petitioner is at liberty to move an appropriate application in terms of Article 215 of the Constitution of India if the respondents fail to comply with this order.

05.10.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>