

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi**

**M.A.T. 1346 of 2024
With
CAN 1 of 2024**

**Aritra Kumar Das
VS.
Paschim Banga Gramin Bank & Ors.**

For the Appellant : Mr. Indranath Mukherjee
Ms. Ruxmini Basu Roy

For the Respondent : Mr. Baidurya Ghosal
Mr. Saikat Mukherjee

Heard on : July 29, 2024

Judgment on : July 29, 2024

DEBANGSU BASAK, J.:-

1. Appeal is directed against an order dated May 13, 2024 passed in W.P.A. 13049 of 2024.
2. Appeal is at the behest of the appellant.

3. Appellant approached the Writ Court being aggrieved by an order of transfer to Burdwan District on promotion.

4. Learned advocate appearing for the appellant submits that, appellant suffered from a medical condition which requires constant physiotherapy. He submits that, it is inconvenient for the appellant to continue at the transferred place of posting in view of such medical condition. He relies upon the Transfer Policy of Paschim Banga Gramin Bank as appearing from a writing dated March 10, 2023 and in particular to Clause (5) of For Intra Region Transfer

5. Bank is represented.

6. An administrative order dated September 8, 2022 was issued requiring the appellant before us to report to the Nasigram Branch under Burdwan Region.

7. Court is informed that appellant joined such posting.

8. Reliance is placed on documents to claim that the medical condition of the appellant is such that the present place of posting is inconvenient.

9. Apparently, the medical advice so far as the appellant are concerned as on August 1, 2023 is to avoid forward bending and weight lifting, avoid prolonged sitting and prolonged standing and avoid long journeys.

10. Neither the medical advice nor the medical condition prevents the appellant from discharging his duties at Nasigram which is the present place of posting. In fact, prior to his transfer, he was working at Howrah. His

residence is at Sodepur. Distance between the two places are in excess of 24 kms. He could attend Howrah office from Sodepur with the same medical conditions.

11. There is a Transfer Policy of Gramin Bank which appears from the writing dated March 10, 2023. Clause 5 under the heading for Intra Region Transfer of such transfer policy is as follows:-

“5. While effecting Intra region or Inter-region transfer, Request transfer of an officer who have completed three years in the same centre/region, may be considered once in service career except on medical emergencies subject to administrative convenience.”

12. Clause 5 provides a discretion on the Management to place a person at a given posting on the exigencies noted therein.

13. So far as the appellant is concerned, he was transferred from Howrah to Burdwan region. The Regional Manager at Burdwan region called upon the appellant to identify any branch within the five branches stated for the appellant to be posted there. Appellant in response thereto gave a counter proposal making two choices from Burdwan region and the other choices from the other regions.

14. In the facts of the present case, it cannot be said that the Management did not take into consideration the medical condition of the appellant. Whatsapp messages disclosed in the appeal goes to show that the Management went to the extent of providing the appellant suitable chair with

suitable cushion for discharging his duties. The Management also allowed the appellant a choice of a branch within Burdwan region. Appellant chose not to do so.

15. Learned Single Judge noted that transfer is an incidence of service.

16. Order of transfer so far as the appellant is concerned cannot be said to be *mala fide*.

17. Medical condition of the appellant is not such that he cannot be transferred.

18. Learned Single Judge allowed House Rent Allowance for the appellant so that the appellant can stay at the place of his transfer posting.

19. In such circumstances, we find no merit in the present appeal.

20. **M.A.T. 1346 of 2024** along with the connected application are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

21. I agree

(Md. Shabbar Rashidi, J.)

S.D.

