

16.08.2024
Item No.15
Ct. No.26
CHC
(dismissed)

FMA 995 of 2024
IA NO: CAN/1/2024

Anindo Banerjee
Vs.
Union of India & ors.

Mr. Ranajit Chatterjee, Advocate
Mr. Victor Chatterjee, Advocate
...for the appellant

Mr. Uttam Basak, Advocate
...for the Union of India

Mr. Ranjay De, Advocate
Mr. B. Banerjee, Advocate
Mr. A. A. Bose, Advocate
...for the National Insurance
Company

1. Appeal is directed against the order dated June 12, 2024 passed in WPA 28759 of 2023.

2. By the impugned order, learned Single Judge dismissed the writ petition.

3. Writ petitioner is the appellant before us.

4. Learned advocate appearing for the appellant submits that, appellant was posted at Kolkata. He refers to the transfer order dated September 22, 2023. He submits that, the appellant opted for posting in Ranchi, Guwahati and Bhubaneshwar and such option was not considered by passing the impugned transfer order.

5. Learned advocate appearing for the appellant refers to the letter dated November 15, 2023 issued

by the Ministry of Finance and submits that, Union of India requires adherence to the transfer policy. He refers to the transfer policy of the respondent no.2 and in particular to Clause D.4 in this regard. He submits that, such transfer policy was not adhered to in the facts and circumstances of the present case.

5. Respondent no.2 and Union of India are represented.

6. Appellant was transferred by the Office Order dated September 22, 2023 to the New Delhi Regional Office-I as Manager by the respondent no.2.

7. Transfer of Officers of the respondent no.2 is governed by the transfer and mobility policy of Officers of the respondent no.2 Clause D which stipulates general regulations and provides for the revolving plan is relevant in this context. It is as follows:-

“D.4. Revolving Plan:

Officers who are transferred in a particular year other than on request would be eligible for consideration of transfer to one of the three places of their choice after completing 4 years in that place of posting. However, such transfer to one of the places of choice would depend on the availability and requirement of officers in his cadre at the relieving and receiving stations so that balance in distribution of manpower is not disturbed. If effected,

such transfer would not be treated as a request transfer.”

8. Clause D.4 of the transfer and mobility policy of the respondent no.2 does not prevent the respondent no.2 from transferring an officer to any location other than which such officer opted for. It stipulates that, the option exercised is subject to availability and requirement of officer in such cadre at such place of choice.

9. Transfer and posting on transfer, is within the domain of the employer. No material is placed on record to suggest that order of transfer impugned was issued *mala fide* or as a punishment.

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

11. FMA 995 of 2024 along with connected application are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)