

06.12.2024

Court No.23
ML – 14
(PP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side
WPA 23115 of 2024**

**Abhishek Laha
versus
The Central Bank of India & Ors.**

Mr. Dyutiman Banerjee

.... for the petitioner.

Mr. Devajyoti Barman,

Mr. Sudhir Kumar Senapati,

Ms. Sanjukta Basu Mallick

.... for the respondent nos.1 to 3.

The petitioner joined the services of Central Bank of India on 16th December, 2013 which has been wrongly typed as 2023 in some places and was posted at Rohtak, Haryana from about 20th January, 2014. The petitioner was transferred to Durgapur region in June 2014 and thereafter served at Durgapur region and Bolpur within Kolkata zone. The petitioner has been transferred to Rangia Branch under Barpeta region, Assam by a general order of transfer dated 30th March, 2024. The petitioner says that he is the prime caregiver to his wife who is physically challenged. The petitioner, therefor, on that ground intends to resist his transfer order from Kolkata zone to Barpeta, Assam. The petitioner says that the employer-bank has a policy in cases where the employee is the prime caregiver to his family member for being posted and/or retained in an area near to his residence. The petitioner says that

ignoring such policy decision and disowning the obligation of a responsible employer, the petitioner has been transferred to Assam. The petitioner had made a representation for being retained within the Kolkata zone which has been turned down by the bank and the petitioner has joined at his transferred post at Rangia Branch, Barpeta, Assam on 15th May, 2024.

On behalf of the bank, it is submitted that after joining the services of the bank, the petitioner had served outside the Kolkata zone only for few months at Rohtak, Haryana. Thereafter, the petitioner has all along been serving within Kolkata zone. As per the policy decision, after completion of 10 years of service an employee of the respondent-bank is transferred outside the zone. Following such policy, the petitioner has been transferred to Barpeta, Assam within Guwahati zone. There is as such no violation of any policy. The petitioner has been treated sympathetically and as such had been retained in the Kolkata zone for the maximum period permissible.

An order of transfer is in terms of an administrative decision for smooth operation of the employer organization and is guided by certain laid down procedures.

The Courts are loathe in interfering with transfer order as they are left in the domain of the employer except where the transfer is palpably illegal or amounts

to victimizing the employee concerned. In the instant case, I do find any palpable illegality or an attempt to victimize the petitioner.

Considering the health condition of the petitioner's wife, the respondent-bank is directed to consider the petitioner's case sympathetically and, if possible, without creating any inconvenience to its smooth functioning, may decide to transfer the petitioner in a favourable zone near to his residence at Kolkata.

There is no mandate on the respondent-bank (employer) to transfer the petitioner to any favourable place of his choice but to decide the whole issue on a proper perspective considering the inconvenience of the petitioner.

In the aforesaid facts and circumstances, the petitioner is permitted to make a fresh representation since the earlier representation has already been rejected.

Let such representation be filed by 10th January, 2025.

In the event such representation is filed within the day stipulated, the respondent-bank (employer) shall consider the same and dispose of such representation within six weeks from the date of filing of the same.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)