

05 05.02.2024

Ct-08

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FMA 1322 of 2022

with
CAN 1 of 2022

Sm. Debasmita Dutta

Vs.

State Bank of India & Ors.

Mr. D.K. Samanta

Mr. A.K. Paul

... For the Appellant

Mr. Subrata Kumar Sinha

... For the Respondent nos. 1 to 5

1. We have heard the learned counsel appearing for the parties.

2. We have read the order of the learned Single Judge carefully and do not find any reason to interfere with the impugned order. However, the writ petitioner/appellant during the pendency of the appeal filed supplementary affidavit stating that she has been rendering service at Panchkhuri Branch of State Bank of India with effect from 3rd December, 2018 in terms of the order of transfer dated 16th November, 2018 and under the relevant service rules she is eligible for transfer to any one of the five branches of State Bank of India situated within the Midnapore Town upon completion of five years. Moreover, she has one girl child who needs to be taken care of. The appellant, however, did not disclose any rules, which permits her to be considered on the aforesaid grounds to any nearby

branch.

3. In the event, the appellant is eligible for transfer, her case may be considered for transfer strictly in terms of the Service Rules.

4. In the event, any application is filed by the appellant before the Panchkhuri Branch of State Bank of India, the authority concerned shall decide the said application for transfer in accordance with the service rules within eight weeks from the date of submission of such application.

5. Learned Single Judge while dismissing the writ petition observed that the writ petitioner cannot have the absolute right to decide where she should be transferred. We have also taken note of the past conduct of the appellant in deciding to interfere with the impugned order.

6. The appeal being FMA 1322 of 2022 is accordingly disposed of with the aforesaid direction and modification of the order passed by the learned Single Judge.

7. In view of disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2022 and the same is accordingly disposed of.

8. However, there shall be no order as to costs.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)