

OD-12

ORDER SHEET

WPO 753 of 2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SANDIPTA GANGOPADHYAY
VS.
INDIAN BANK & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 19th September, 2024.

Mr. Rahul Karmakar, Mr. Sounak Mukherjee, Mr. Sourav
Guchhait, Advocates for the petitioner.

Mr. Om Narayan Rai, Mr. Shiv Mangal Singh,
Advocates for respondent Bank.

The Court : Affidavit of service filed in Court today is taken on record.

The petitioner has challenged the transfer order dated 28th June, 2024 by which the petitioner has been transferred to Mumbai from his previous posting at Kolkata. Although, the petitioner has joined at the transferred place, the petitioner says that while working in the respondent bank the petitioner was implicated in a criminal case at the complaint of a third party. The trial of the said case is continuing for which the petitioner has to regularly attend the court proceedings. The petitioner says that if the petitioner is unable to attend on the date or dates when the criminal case is fixed then the petitioner's interest may be in jeopardy. The petitioner, therefore, prays for reconsideration of his order of transfer to Mumbai with an added condition that it will be easier for the petitioner to defend the criminal proceedings by attending the Court as and when required if the

petitioner is posted anywhere in the neighbouring States of Jharkhand, Bihar or Odisha.

The order of transfer as it is well settled is left to the domain of the employer for the interest of smooth operation and management. Unless an order is palpably illegal like being de hors to the applicable service rules or arbitrary or made with an intent to victimise an employee, the Courts are loathe in interfering with such transfer order. However, in this case the petitioner has a ground which may not be a legal ground for transfer but on a more fundamental issue, that is, right to defend himself in a criminal proceedings, which may be jeopardised due to the distant place where he has been transferred.

In the aforesaid facts and circumstances, the bank is directed to reconsider the petitioner's order of transfer in the light of the discussions hereinabove in a sympathetic and reasonable manner within a period of three weeks from date.

The writ petition is, accordingly, disposed of as nothing remains pending to be adjudicated.

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

(ARINDAM MUKHERJEE, J.)