



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5466 OF 2024

Pallavi Suresh Ghatate -Vs- State Bank of India and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.K.Kale, counsel for the petitioner/s.
Mr.Bhushan Mohata, counsel for respondent Nos.1 to 4 and 6.

**CORAM: NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.
DATE : 13th NOVEMBER, 2024.**

1. The petitioner, an employee/officer of the respondent No.1-Bank has approached this Court questioning her transfers. The other reliefs claimed are the directions to the respondents to investigate in the allegations of the harassment and misconduct against the respondents, to order a special enquiry on Sanjivani complaint referred by the petitioner and to provide safe and secure working environment to the petitioner. In addition, compensation of Rs.70,00,000/- for the financial, emotional and reputational damages suffered by the petitioner is also claimed with a prayer for stay to all the transfer orders.

2. As prayed by the learned counsel for the petitioner, we grant leave to amend, so as to seek quashing

of the transfer orders. Amendment to be carried out forthwith.

3. The petitioner claimed to have been posted sometime in the year 2022 in Gondia Branch of the State Bank of India where from she was transferred on 26.07.2023 to Umred Branch. While posted at the Umred Branch, the petitioner was given tour programme of Kuhi Branch, however, such programme is claimed to have not been approved till this date. The petitioner got married on 06.01.2024 and her spouse is presently posted at Gondia Branch.

4. Vide order impugned dated 17.08.2024, the petitioner is transferred from Umred Branch to Bhandara Branch.

5. The said transfer orders viz. transferring her from Umred to Bhandara vide order dated 07.08.2024, the transfer from Gondia to Umred vide order 26.07.2023 are sought to be questioned on the ground of premature transfer, malice on the part of the respondents and violation of the policy of husband-wife unification.

6. So as to substantiate the contentions in support of prayer clause, the learned counsel for the petitioner submits that the petitioner has a fixed tenure appointment as an Officer and before transferring the petitioner, it is necessary that the respondents must ensure that the petitioner has completed prescribed tenure at a particular place of posting. It is claimed that the husband and wife unification policy is implemented by the respondents in spite of which neither the husband of the petitioner is transferred from Gondia to Bhandara or Umred, where the petitioner is seeking present posting nor the petitioner is transferred to Gondia, where her husband is serving and as such, it is claimed that the said policy of the respondents is violated.

7. It is further claimed that the respondents have conducted themselves in a most objectionable, *mala fide* and bias manner in the matter of dealing with Sanjivani complaint of the petitioner. Such conduct on the part of the respondents has led to the petitioner suffering mentally and physically for which she is seeking damages.

8. As against above, the learned counsel appearing for the respondents would invite our attention to the

record maintained with the respondents.

9. It is brought to our notice that at Umred Branch, there were complaints of the staff and the customers against the petitioner and vice versa. Apart from above, it is claimed that in the matter of husband-wife unification the petitioner was posted vide last transfer order closure to her spouse, who is serving at Gondia, as she is being accommodated at Bhandara. It is also claimed that in view of the policy of respondents for husband and wife unification, the claim for posting of husband and wife at same place or at a short distance place shall be positively considered in next annual transfer. It is further urged that the enquiry was duly conducted in the matter of complaint referred by not only the petitioner against the other staff, but also the complaints of the staff against the petitioner. As such, it is claimed that since the transfer is an incident of service, the petitioner cannot claim as of right a posting at a particular place viz. in the present case at Umred.

10. We have considered the rival claims. At the outset, we are required to be sensitive to the fact that the husband of the petitioner is serving at Gondia and the petitioner by way of impugned transfer order dated

17.08.2024 is posted at Bhandara. It is borne out of the record, and also not disputed by the petitioner that the distance between Gondia, where her spouse is posted at Umred, i.e earlier place of posting of the petitioner is reduced by half by virtue of her posting at Bhandara vide last transfer order. Such conduct on the part of the respondents *prima facie* establishes their claim that they have made every attempt to post the petitioner closure to the place of posting of her spouse. Apart from above, an assurance given by the learned counsel appearing for the respondent Nos.1 to 4 and 6, on instructions, that in the next annual transfer, the petitioner and her husband will be posted at one place or at a place closer/nearer in distance of posting of each other so as to make them inconvenient to travel and stay together shall be duly addressed is also accepted and taken on record.

11. This lead to our consideration of the last issue viz. the alleged *mala fide* transfer.

12. The transfers of the petitioner in last two years are effected from Gondia to Umred and thereafter to Bhandara. In the year 2022, the petitioner was posted at Gondia and from there, she was transferred to Umred on 26.07.2023.

Subsequent thereto, the petitioner got transferred by way of impugned order to Bhandara on 17.08.2024.

13. In the interregnum of her last transfer order dated 17.08.2024 and earlier transfer order dated 26.07.2023, the petitioner got married on 06.01.2024 with an employee of the respondent-Bank, who is serving at Gondia. As such, at the time of marriage, petitioner was not posted at a place of posting of her spouse.

14. It appears that the petitioner has taken out complaint about the objectionable conduct of the other employees of the bank, so also certain customers, so did the other staff and customers against the petitioner.

15. The original record produced by learned counsel Mr.Mohata from the custody of respondent No.4 depicts that the complaint of the petitioner so also that of the other employees was duly looked into by the Higher Officer and in the interest of efficient working of the Bank, who is into customer oriented business, directed the transfer of the petitioner to Bhandara not only to bring her closure to the place of posting of her husband, but also in the interest of Administration of the banking business.

16. Such act on the part of the respondents at this stage of proceedings cannot lead to the interference that the transfer of the petitioner was at the dictate of the respondents particularly respondent Nos.4 and 5, who were holding grudge and malice against the petitioner.

17. It appears that the transfer of the petitioner was on administrative ground and in the interest of not only the petitioner, but also the banking business of the respondents. In this background, it cannot be interfered that the transfer of the petitioner suffers from *mala fide*. That being so, no interference is called for in the impugned orders of transfer.

18. It is also noted that even if it is sought to be canvassed that some other Officer is posted at Bhandara at the rank of the petitioner, the petitioner's transfer to Bhandara cannot be said to be vitiated as not only at Bhandara a vacant post to be occupied by petitioner is informed to be available but it is for the respondents to accommodate the petitioner at Bhandara. As such, it is open for the petitioner even today to join at the place of transfer i.e. Bhandara.

19. As regards the issue of Sanjivani complaint is concerned, we expect the respondents to communicate the decision taken thereon to the petitioner expeditiously and in any case, within a period of six weeks from today.

20. In case, if the said decision is adverse to the interest of the petitioner, the petitioner shall be at liberty to question the same before the appropriate forum.

21. With the above observations, we dismissed the present writ petition. No costs.

(SMT. VRUSHALI V. JOSHI, J.)

(NITIN W.SAMBRE, J.)