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W.P.No.14323 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.14323 of 2024

and

W.M.P.Nos.15555 and 15556 of 2024

T.Dhanya

... Petitioner

Vs.

1.Punjab & Sind Bank,  
Rep by its Chief Executive Officer/Managing Director,  
No.21, Rajendra Place,  
New Delhi – 110 008.

2.The General Manager,  
Human Resource Development Department,  
Punjab & Sind Bank,  
Ground Floor, Block 3, NBCC Complex,  
East Kidwai Nagar, New Delhi – 110 023.

3.The Chief Manager (HRD),  
Human Resource Development Department,  
Punjab & Sind Bank – Head Office,  
Ground Floor, Block 3, NBCC Complex,  
East Kidwai Nagar,  
New Delhi – 110 023.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for  
issuance of a Writ of Certiorari to call for the records relating to impugned



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transfer order bearing Ref.No.HOHRD:H9012:2024:D10421:5 dated 14.05.2024 issued by 3<sup>rd</sup> respondent and quash the same.

For Petitioner : Mr.V.Subramani

For Respondents : Mr.R.Selvakumar

### **ORDER**

The writ petition is filed challenging the impugned order of transfer dated 14.05.2024 issued by the third respondent. By the said order, the petitioner is transferred on administrative grounds from Chennai to Delhi.

2. The contention of the petitioner is that for the past one year, she has been subjected to repeated transfers, which is extracted in Paragraph No.5 of the affidavit which as follows:-

| <b><i>Branch/Office</i></b>     | <b><i>From</i></b> | <b><i>To</i></b> |
|---------------------------------|--------------------|------------------|
| Asset Recovery Branch – Chennai | 02.05.2019         | 21.07.2021       |
| HO Chennai – CENMARG WING       | 22.07.2021         | 14.07.2022       |
| Chennai ZO                      | 14.07.2022         | 14.02.2023       |
| Kozhikode Branch                | 15.02.2023         | 24.07.2023       |
| Chennai ZO                      | 24.07.2023         | Till date        |



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3. The transfer has to be effected as per the Transfer Policy for Officers dated 24.01.2023. As per Guideline No.6, the petitioner is entitled to occupy the same position up to a period of three years. As per Guideline No.6(xi) and (xii), the cut off date is 30<sup>th</sup> June every year. Thus, by completely flouting the policy Guidelines, the transfer has been made. The petitioner alone has been put in for repeated transfers. On the earlier occasion, the petitioner though being a Senior Manager (Legal), when was transferred on the commercial side, without raising any objection, the petitioner went and joined the said branch at Kozhikode and the petitioner was again re-transferred and joined at Chennai.

4. In view thereof, the repeated transfers of the petitioner is bad in law. The respondents have not considered that the petitioner is a women employee and the children are studying and she has to take care of the family members in Chennai.

5. The learned counsel for the petitioner would also rely upon the Judgment of the Hon'ble Supreme Court in the case of ***B.Varadha Rao Vs. State of Karnataka*** reported in 1986 SCC (L&S) 750, more specifically pointing out to Paragraph No.6 of the said judgment reads as under:-



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“6. One cannot but deprecate that frequent, unscheduled and unreasonable transfers can uproot a family, cause irreparable harm to a Government servant and drive him to desperation. It disrupts the education of his children and leads to numerous other complications and problems and results in hardship and demoralisation. It, therefore, follows that the policy of transfer should be reasonable and fair and should apply to everybody equally. But, at the same time, it cannot be forgotten that so far as superior or more responsible posts are concerned, continued posting at one station or in one department of the Government is not conducive to good administration. It creates vested interest and, therefore, we find that even from the British times the general policy has been to restrict the period of posting for a definite period. We wish to add that the position of Class III and Class IV employees stand on a different footing. We trust that the Government will keep these considerations in view while making an order of transfer.”

6. Therefore, according to him, when the respondents have not even followed the policy Guidelines and when the petitioner has been singled out for the discriminatory treatment, this Court has to interfere.

7. The writ petition is resisted by the respondents by filing a counter affidavit. It is the contention of the respondents that from the date of appointment of the petitioner i.e., 28.05.2014, the petitioner is continuously stationed only at Chennai. It is true that the petitioner is Senior Manager (Legal). The earlier transfers which are mentioned by the petitioner are all within Chennai from Asset Recovery Branch to CENMARG WING from



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CENMARG to Chennai Zonal Office etc., within the same station only.

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8. According to the learned counsel for the respondents, when a new branch was inaugurated at Kozhikode, without even considering the specialty of the petitioner, administratively a decision was taken if the petitioner being a native of Kozhikode is posted, he would muster up business for the new branch. The persons who is of the native will also be helpful in the matter of setting up of the branch. However, since the business did not pickup as per the expectation of the respondent bank, the respondents bank decided to post some other domain expert manager and re-transfer the petitioner back. There was no stigma which is attached in respect of the said re-transfer as against the petitioner. Therefore, it was made for a valid administrative reason and no discriminative treatment was meted out to the petitioner. Therefore, when the petitioner belongs to a Senior Manager Cadre, which is a transferable cadre throughout the country, the petitioner cannot plead, and cannot seek to continue in the same station.

9. I have considered the submissions made by the learned counsel on either side.



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10. As rightly contended by the learned counsel for the respondents, the petitioner is in the Senior Manager Cadre, which is a transferable post throughout India. In the matter of transfer and posting the petitioner does not have any specific right to insist upon being in Chennai alone. No doubt, she was transferred to Kozhikode with effect from 15.02.2023 and was again reverted back after a period of five months back to Chennai, the same alone will not entitle the petitioner to insist that she will be stationed only at Chennai. Therefore, it is for the respondents to decide the place of posting in respect of the employers.

11. As far as the transfer Guidelines are concerned, there are only Guidelines which are to be normally followed. For a proper administrative reason, if the transfer on administrative basis is made, then the same will not give any right to the petitioner for enforcement.

12. In view thereof, I am unable to interfere with the impugned order of transfer. It is at this stage, learned counsel for the petitioner submits that there is yet another vacancy in Bangalore and considering the fact that the petitioner's children are studying and the petitioner is a women candidate, and



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the petitioner has already made a representation dated 16.05.2024 to consider her as against the said vacancy. These representations and the place of posting etc., are well within the domain of the respondents and it is for the respondents to consider the said representation on its own merits.

13. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The challenge of the petitioner to the impugned order of transfer dated 14.05.2024 shall stand negatived. However, there shall be a direction to the respondents to consider the representation of the petitioner dated 16.05.2024 requesting for an alternative posting nearer to Chennai on its own merits and in accordance with law and their policy, in any event, not later than a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected writ miscellaneous petitions are closed.

**18.06.2024**

Neutral Citation: No

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**D.BHARATHA CHAKRAVARTHY, J.**

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