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W.P.No.15970 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15970 of 2024
and W.M.P.Nos.17439 and 17440 of 2024

P.S.Sridhar

.. Petitioner

Versus

1. The General Manager,
Canara Bank, Circle Office,
No.563, P B 1078, 1, Anna Salai,
Teynampet, Chennai - 600 018.
 2. Assistant General Manager,
Canara Bank, Regional Office,
Plot No.92, 92/P, 6th West Cross Rd,
Suthanthira Ponvizha Nagar,
Gandhinagar West, Vellore - 632 006.
 3. The Assistant General Manager,
Canara Bank Regional Office,
Sai International Building,
Near KSRTC Bus Stand,
Nellikatte Road, Puttur,
Karnataka.
 4. The Chief Manager,
Canara Bank, Vellore Main Branch,
IRCS Building, Near Old Bus Stand,
Vellore.
- .. Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records pertaining to the impugned proceedings of the 3rd respondent, dated 01.06.2024 made in REF:HRM:6931:2024:AGT:63311:1 and quash the same.

For Petitioner : Mr.G.Mutharasu,
for Mr.K.Gangadaran

For Respondents : Mrs.S.R.Sumathy,
Standing Counsel

ORDER

This Writ Petition is filed challenging the impugned order of transfer, dated 01.06.2024, in and by which, the petitioner is transferred from Vellore to Mangaluru.

2. The case of the petitioner is that the petitioner alone has been singled out for the transfer. He was transferred to the present position only on 12.05.2023 and there was no occasion to transfer again to Mangaluru. The petitioner has completed his outside state quota as he had served for more than three years in the state of Punjab. The petitioner's spouse is also working in the Indian Bank, Vellore. Therefore, the petitioner is assailing the order of transfer on the ground that the Assistant General Manager is not competent to pass the order of transfer. It is the second contention of the



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petitioner that when the guidelines categorically state that as far as possible the employee should be deputed in the same state / region, in which, the spouse is working, the transfer is bad in law. The third contention of the petitioner is that in respect of inter Circle transfer, the persons who have already not been put in service outside their home state, should be first transferred. The petitioner has already put in three years of service in Punjab. It is the further contention of the petitioner that in respect of inter Circle transfer, the guidelines require that the candidate be put on advance notice.

3. The Writ Petition is resisted by the respondents by filing a counter-affidavit. It is the case of the respondents that the petitioner joined the service in the year 1993 and he was all along in his home state of Tamil Nadu only. He was transferred to Chandigarh in the year 2008 and he worked there till the year 2011. Again, upon his request, he came back to his home state and he has been working in Tamil Nadu from the year 2012 onwards.



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4. The case of the respondent Bank is that in the 31 years of service of the petitioner, he worked in the state of Tamil Nadu for 28 years and therefore, considering the administrative requirements, now, the petitioner is transferred to Mangaluru. As regards the contention regarding the spouse, the learned Counsel for the respondent Bank contends that since the petitioner is now only transferred to outstation after 12 years, his spouse can also request transfer to Mangaluru with her bank on the same ground. As far as the final contention regarding the notice period is concerned, he submits that even though the transfer order has been passed, till date, he is not yet relieved and therefore, the petitioner has not joined the post in Mangaluru.

5. The learned Counsel for the petitioner submits that the employees of the Bank are not liable to be transferred outside the region after attaining the age of 54 years. The petitioner has crossed 53 years of age and therefore, the respondent Bank ought not to have transferred the petitioner.

6. I have considered the rival submissions made on either side and perused the material records of the case.



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7. Transfer and place of posting are within the domain of the employer. The petitioner is liable to join duty and work wherever the petitioner is posted. As far as the arguments of the learned Counsel for the petitioner are concerned, firstly, it can be seen that all the complaints that are made are regarding violation of policy guidelines. Guidelines cannot be enforced as a matter of right and in case of administrative exigencies, the respondents are empowered to transfer the petitioner. Given the reasons mentioned in paragraph No.6 of the counter-affidavit that the petitioner has served in his home state for 25 years out of 31 years, it cannot be said that the transfer is arbitrary or with malafide intention. In the absence thereof, this Court cannot interfere with an order of transfer.

8. As far as the contention regarding jurisdiction is concerned, when the Assistant General Manager is said to be the competent authority to transfer, nothing to the contrary is placed by the petitioner to contend that the respondents lack jurisdiction. As far as the question of the spouse working in the same area is concerned, in the guidelines itself, it can be seen



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that only to the possible extent he has to be posted in the place of spouse.

Therefore, no grounds are made to interfere with the order.

9. However, the guidelines provide that in case of long-distance inter-regional transfer, the transferee should be put on notice. Since the respondents have not expressed any imminent urgency that the petitioner should join the post, considering the case of the petitioner that he has been transferred from Vellore to Mangaluru, keeping the distance in mind and keeping the hardship which is pleaded before this Court, this Court is of the opinion that as per the guidelines of the respondent Bank in respect of inter-circle transfers that the officers are to be intimated in advance to enable them to keep in readiness, I am of the view that a breathing time can be granted to the petitioner. Accordingly, the respondents shall not relieve the petitioner under the impugned transfer until 31.07.2024 and thereafter, the petitioner shall join the transferred place.

10. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.



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Neutral Citation : no
grs

To

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