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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23165-2024

Date of Decision: 12.09.2024

Sumit Dhingra

...Petitioner

Versus

State Bank of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Rohit Seth, Advocate, for the petitioner.

Mr. Anurag Jain, Advocate, with
Mr. Ajay Kamboj Gurpreet, Advocate,
Mr. Kuljeet singh Asht, Advocate,
for the respondents.

ALOK JAIN, J. (ORAL)

1. Present petition has been filed *inter alia* seeking quashing of the impugned transfer order dated 01.08.2024 (Annexure P-1) whereby, petitioner was transferred to Mumbai Circle and also challenging the order dated 14.08.2024 (Annexure P-8) whereby, the representation of the petitioner has been rejected.
2. Petitioner has been transferred from Chandigarh to GITC-Belapur, Navi Mumbai, against which the petitioner has filed representation (Annexure P-4). According to the representation (Annexure P-4), the only ground taken by the petitioner is as under:

“I would like to bring to your attention the fact that my mother is a widow and is quite elderly, She is suffering from chronic medical conditions, including hypertension and diabetes, and is currently receiving treatment herein Chandigarh. As I am unmarried, I am her primary caregiver. My younger brother resides in Perth, Australia, and is unable to assist her due to his commitments there. Given her health and



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age, it would be extremely difficult for her to travel to Belapur with me.

In light of these prevailing circumstances, I kindly request that you consider my situation and grant the cancellation of my transfer order, allowing me to continue my duties here at LHO Chandigarh.”

3. The said representation was supplemented by another representation by virtue of Annexure P-9 by the petitioner whereby, the petitioner has submitted that since his earlier representation is pending, he wishes to highlight that as per transfer policy for Systems Specialist Officers, his stay has not yet been completed and there are other staff members whose stay is more than that of the petitioner and on this ground also, the authority should reconsider his transfer orders. The said contention seems to be an afterthought for the reason that vide Annexure P-8, petitioner already knew that on 14.08.2024 his representation has been rejected.

4. Be that at it may, learned counsel for the respondent-Bank has also pointed out that as per the transfer policy, there is no violation of the same and the petitioner has already stayed at the Tricity Chandigarh for the last more than 6 years and 4 months whereas the maximum period is 7 years. He has submitted that 7 years is the maximum period and cannot be read as a minimum period in favour of the petitioner and moreso, as per Clause-8 of the Policy, the petitioner is liable to be transferred to any office or Branch in view of exigencies of service. It is submitted that, petitioner being a Deputy Manager (Systems) is required at Branch at GITC-Belapur, Navi Mumbai and hence, there is no violation of the transfer policy.

5. Heard learned counsel for the parties and perused the paper books.



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6. At this stage, learned counsel for the petitioner submits that let the respondent-Bank pass speaking order on representation of the petitioner, to which the counsel for the respondent-Bank fairly submits that they shall pass the speaking order on the representation (Annexure P-9) of the petitioner in accordance with Rules and law as he maintains that there has been no violation of the Rules.

7. In view of the above fact that the respondents shall pass an appropriate order on the representation (Annexure P-9) of the petitioner, the present petition is disposed of. However, it is made clear that the parties shall not be prejudiced by the observations made in the present order.

12.09.2024
anil

(ALOK JAIN)
JUDGE

Whether speaking/reasoned	:Yes/No
Whether reportable	:Yes/No