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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 322/2024

BERWAL TAKDIR SINGH

..... Petitioner

Through: Mr. Sanjay Baniwal and Ms.
Manisha, Advocates with petitioner
in person

versus

HARJIT PAL SINGH UTMAL (ZONAL MANAGER), ZO

KARNAL, INDIAN BANK AND ANR. Respondents

Through: Mr. Chetan Sharma, ASG with Mr.
Rajesh Gautam, Mr Ankit Gupta, Mr.
Vinay Yadav and Mr. R. V. Prabhat,
Mr. Dinesh Sharma, Mr. Saurabh
Tripathi, Mr. Vikramadiya Singh and
Mr. Anant Gautam, Advocates

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

20.05.2024

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(The proceeding has been conducted through Hybrid Mode)

1. This is a contempt petition filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 226 of the Constitution of India, 1950 seeking initiation of contempt proceedings against the respondents for wilfully disobeying the order dated 12.01.2024 passed by this Court in W.P.(C) 459/2024.
2. Learned counsel for the petitioner states that the respondent has violated the directions contained in the order dated 12.01.2024 passed in W.P.(C) 459/2024, wherein the petitioner has challenged the Transfer Order dated 04.01.2024, transferring the petitioner from the Sadhaura branch of the respondent to the Hubli branch at Bangalore



of the respondent.

3. This Court has considered the averments made in the contempt petition.

4. By way of the order dated 24.01.2024 in W.P.(C) 459/2024, it was directed that operation of the Transfer Order dated 04.01.2024 shall not be given effect to. The relevant portion of the said order is extracted hereunder:

“10. In the meanwhile, keeping in view the fact that prima facie, it appears that the respondents have not considered their own regulation/guidelines noted and stipulated above and as such, though this Court ordinarily would have been reluctant to restrain transfer orders, till the next date of hearing, the operation of transfer order dated 04.01.2024 shall not be given effect to.”

5. Subsequently, by way of application bearing CM APPL.20990/2024, the petitioner had sought intra city transfer within Karnal which was acceded to by the respondent and this Court had passed an order dated 08.04.2024. The relevant portion of the said order is extracted hereunder:

“4. Keeping in view the fact that the issue of transferring the petitioner to another branch in Administrative post in Karnal itself emanated from learned ASG which was noted in the order dated 26.02.2024, there could possibly be no impediment in allowing the application.

5. By way of the present application, the petitioner himself is willing to be transferred to an Administrative Post in a branch in the City of Karnal itself, the application is allowed.

6. The respondents are at liberty to transfer the petitioner to an Administrative post in a branch in the City of Karnal.”

5. So far as the transfer of petitioner to Hubli branch, Bangalore is concerned, the restraint order is still in place and there is no question



of violation of the order as on date. The petitioner is still performing his responsibilities and duties in a fresh branch at Karnal, Haryana.

6. In that view of the matter, the contempt petition does not survive and is disposed of accordingly.

TUSHAR RAO GEDELA, J

MAY 20, 2024

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