

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4640 of 2017

Madhavi W/o Sri Ashish Kumar, Resident of Mohalla- Raja Bazar, D- 31,
Ashoka Tower, District- Patna.

... .. Petitioner/s

Versus

1. The Managing Director and Chief Executive Office, Corporate Office, Indian Bank and Ors
2. The Executive Director, Corporate Office , Indian Bank 254-260, Avvai Shanmugam Salai Roypettah, Ch
3. The General Manager, Human Resource Management Department, Central Office, Chennai, Corporate Office
4. The Deputy General Manager, Human Resource Management Department, Central Office, Chennai, Corporate Office
5. The General Manager/Zonal Manager, Bangalore Zone, Indian Bank Zonal Office Bangalore, 4th Floor East
6. The Asstt. General Manager/ Second in Command, Bangalore Zone, Indian Bank Zonal Office Bangalore, 4th
7. The Deputy General Manager/ Zonal Manager, Patna Zone, Indian Bank Zonal Office, 1st Floor, Govind
8. The Deputy General Manager/ Zonal Manager, Patna Zone, Indian Bank Zonal Office, 1st Floor, Govind
9. The Asstt. General Manager/ Second in Command, Patna Zone, Indian Bank Zonal Office, 1st Floor, Gov
10. The Branch Manager, Cubbonpet Branch, Indian Bank, Hamid Shah Complex No.- 2, Cubbonpet Bangalore- 5
11. The Branch Manager, Indian Bank, Kankarbagh, Patna- 800020.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Karan, Advocate
		Mr. Jayant Kumar Karan, Advocate
For the Respondent/s	:	Mr. Sanjay Singh Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 03-04-2025 Heard Learned Counsel for the petitioner and
Learned Counsel for the Indian Bank.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed before this Hon'ble Court to quash the article of charge Memo dated 09.08.2016, issued by the Assistant General Manager, Indian Bank, Zonal Office



Raheja Towers, No. 26/27, M.G. Road, Bangalore, as contained in Annexure- P/9.

3. Learned Counsel for the petitioner submits that the basis of the article of charge is order of transfer from Kankarbagh Branch Office to the Cubbonpet Branch Office in Bangalore, dated 31.05.2016. Counsel further submits that the petitioner has challenged this transfer order in CWJC No. 870 of 2017 and the order was set aside by the judgment dated 16.11.2017. Counsel further submits that the genesis of the article of charge is transfer order dated 20.05.2016, which was challenged before this Court in CWJC No. 870 of 2017. Counsel further submits that the transfer order dated 20.05.2016, is a letter indicating the location of the petitioner's posting in which the petitioner was listed at serial No. 143 in that letter, which was followed by letter dated 31.05.2016. Therefore, Counsel submits that both the orders dated 20.05.2016 and 31.05.2016 have the same essence, i.e., transferring the petitioner from Patna to Bangalore. Counsel further submits that since the letter dated 20.05.2016, which indicated the transfer from Patna to Bangalore, was quashed, the letter dated 31.05.2016 also has no value in the eye of law and this letter becomes redundant. As a result, the article of charge based on this transfer order is not



sustainable in the eye of law.

4. Counsel further submits that a counter affidavit has been filed, in which the answering respondent bank has clearly stated that, in light of the order passed by the Hon'ble Single Judge of this Hon'ble Court in CWJC No. 870 of 2017, the present writ petition has become infructuous.

5. In light of the submissions made by the parties and upon perusal of the judgment dated 16.11.2017 in CWJC No. 870 of 2017, the relevant context is as follows:-

“In the present writ petition, petitioner is challenging the order dated 20.5.2016 passed by the General Manager (HRN), CO HRM Department of Indian Bank by which she has been transferred from Patna to Bangalore.

It appears that after granting promotion from scale II to Scale III the officers were transferred to different Zones. The letter dated 20.5.2016 indicates place of their posting. The name of the petitioner is sanding at sl. no. 143 and she has been transferred from Patna to Bangalore When she received the letter she has sacrificed her promotion on account of the fact she wants to live with her husband is also in Union Bank, posted at Bettiah, Bihar. It has been stated that she has small kid of two years for



the welfare of the family she did not want to take benefit of promotion but wants to stay with her family. Earlier the benefit on the ground of spouse was given but on account of promotion to Scale III she has been transferred to Bangalore.

In the representation petitioner has stipulated that she could join the new place of posting on that account, promotion of petitioner has been forfeited. She requested, she should be allowed to remain along with her family but the Bank is insisting her to join at Bangalore and for unauthorized absence a departmental proceeding has been initiated.

This Court is not giving any opinion on the departmental proceeding that will take its one course.

But question is that she has made sacrifice of her promotion for the welfare of the family, in such circumstances, she should not be pushed out from the present place of posting and compelled to join at Bangalore. Certainly she cannot get the promotion Scale II to Scale III and she will remain in Scale II.

In such view of the matter, the order of transfer of the petitioner to Bangalore dated 20.5.2016 is set aside but petitioner will remain here in Scale II for the present.



*With the aforesaid observation and
direction this writ petition is allowed.”*

6. After bare reading of the said order, it transpires to this Court that the stand of the respondent bank, stating "in light of the order passed by this Hon'ble Court in CWJC No. 870 of 2017, the present writ petition has become infructuous," is entirely in accordance with the law. Consequently, the article of charge (Annexure-9) is also deemed non-existent in the eyes of the law, and no proceedings shall be initiated by the respondent bank against the petitioner on that basis.

7. With this direction, the writ petition stands disposed off.

(Dr. Anshuman, J.)

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