

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

50 30.6.2025
Sc Ct. no.2

WPA 13528 OF 2025

Sourav Basu

Vs.

The Bank of Baroda & Ors.

Mr. Debashis Banerjee
Mr. Gaurav Sengupta
Mr. Rakesh Jana.

....For the Petitioner

Mr. Dipanjan Datta
Ms. Sukanya Datta.

....For the Respondents
Bank

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Debashis Banerjee, learned counsel appears for the petitioner.

Mr. Dipanjan Datta, learned, learned counsel appears for the respondents/Bank.

The petitioner at present posted at **Burdwan**. He is serving the Bank as a **Scale – 3** official (Senior Manager). Referring to **pages 70 and 71** learned counsel for the petitioner submits that, the petitioner has already sought for transfer on the ground of his health as well as the health of his mother and spouse. The representations are not heeded to. However, referring to a Transfer Order at **page 64** to the writ petition learned counsel for the

petitioner submits that the petitioner has been transferred to **Ahmedabad**.

On instruction, learned counsel for the petitioner submits that, the petitioner has already applied for Medical Leave and the same has not yet been considered and is still lying before the appropriate authority of the bank.

In the light of the above, learned counsel for the petitioner submits that, there is policy of the bank including several circulars which entitles the petitioner to receive a transfer in terms of his representations, referred to above as a policy decision of the bank but those have not yet been applied for the petitioner. Learned counsel for the petitioner submits that, the salary of the petitioner has been stopped.

The petitioner submits that, the representations of the petitioner may be directed for consideration in accordance with law.

Mr. Dipanjan Datta, learned counsel appearing for the bank, on instruction from his clients, submits that the leave application, submitted by the petitioner, is still under consideration of the appropriate authority of the bank where the petitioner has sought for leave on medical ground.

Referring to the circulars dated **November 26, 2024** issued by the Department of Financial Services to the Chairman, State Bank of India and other nationalized banks and the Transfer Policy dated **April 24, 2025** and

the other transfer policies prevailing for the time being, he submits that, those policies or circulars are not mandatory and the transfer policy of the bank is always an incidental to the service of its employees and depends upon the discretion of the bank. Administrative exigency and requirement is the essential factor for transfer.

After considering the rival contentions of the parties and upon perusal of the materials on record, the petitioner is directed to serve a complete set of this writ petition along with a copy of today's order upon the Managing Director of the Bank. The Managing Director of the Bank then shall depute the appropriate authority for considering the case of the petitioner within **two weeks** from the date of communication of this order.

Such appropriate authority then upon issuing a prior hearing notice of at least **seven days** to the learned advocate on record for the petitioner and after granting the petitioner an opportunity of hearing through his duly authorized representative, shall decide the representations of the petitioner at **pages 70 and 71** to the writ petition in the light of the case made out in the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by such appropriate authority positively within a period of **six weeks** from the date of being deputed by the Managing Director of the Bank and the reasoned order shall be communicated to the petitioner positively

within a further period of **two weeks** from the date of the said reasoned order to be passed by such appropriate authority.

It is made clear that, this Court has not gone into the merits of the rival contentions of the parties and the parties shall be at liberty to urge whatever points they wish to urge in support of their claim by relying upon whatever records and documents they wish to reply upon before the said appropriate authority but the same shall not travel beyond the scope of the said representations, as referred to above.

In the event the reasoned order goes in favour of the petitioner, then the appropriate authority shall take all necessary and consequential steps in accordance with law to give an immediate effect to the said reasoned order in accordance with law but positively within a further period of **four weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if he does not succeed to his claim before the appropriate authority strictly in accordance with law.

It is also made clear that, no further coercive step shall be taken against the petitioner till **four weeks** after the said reasoned order will be passed.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 13528 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)