

08.01.2025

Item no.ML/15
Court No. 23

Asraf, A.R.(Ct)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 24818 of 2024

**Rajeev Rana
Vs.
The Central Bank of India & Ors.**

**Mr. Anindya Ghosh
Mr. Dyutiman Banerjee
Mr. Subhajit Das
Mr. Dilip Kr. Mitra
Mr. Vishal Mallick**

.....for the Writ Petitioner

**Mr. Bishwambher Jha
Mr. Harshwardhan Kumar Jha**

....for the Respondent nos.1 to 3

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

The petitioner is an employee of the Central Bank of India (hereinafter referred to as “the said Bank”). The petitioner was transferred from Lucknow zone to Kolkata (South Region) and was posted at Uttarpara branch of the said Bank by dint of a general transfer order dated 16th April, 2022. The petitioner was released from the Lucknow zone by a release order dated 22nd April, 2022. The petitioner says that though he has joined the transferred place of posting but had made a representation for his transfer order to be reconsidered since he is the primary care-giver of a disabled brother for which it is convenient to stay at Lucknow. The

petitioner's representation has not been considered in time perspective thereby amounting to rejection. The petitioner says that the rejection has not been in consonance with the circulars published by the said Bank as a guideline for transfer of care-givers.

It also reveals from the averments made in the writ petition that the petitioner was appointed on 21.05.1990 and had since then served under the Lucknow Zone for about 32 years. Even the transfer order dated 17.10.2020 by which the petitioner was transferred to Meerut Zone on promotion was not given effect at the request of the petitioner and he was retained in Lucknow even after promotion.

The interference to a transfer order by Court is on a very restricted ground as has been enumerated in various judgments of the Hon'ble Supreme Court, one of which is reported in **(2009) 15 SCC 178 (Rajendra Singh & Ors. vs. State of Uttar Pradesh & Ors).**

After considering the transfer order dated 16th April, 2022, I do not find any ground as enumerated in Rajendra Singh (supra) to have been attracted in the instant case. The petitioners for which the transfer order is required to be interfered with have joined the transferred place of work as far back as in middle of the year 2022. The writ petition has been filed on or about

25th September, 2024, after lapse of more than two years from issuance of the transfer order.

In the aforesaid facts and circumstances, I do not find any merit in the writ petition. The same is accordingly dismissed.

However, dismissal of the writ petition will not stand in the way of the employer Bank in reconsidering the petitioner's transfer order in the light of the circulars issued by the said Bank to be a guideline for transferring a care-giver subject to the Bank's satisfaction that the petitioner is a care-giver as claimed. It is also made clear that I have not gone into the merits of the petitioner's claim as a care-giver.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)