

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :-

The Hon'ble Justice PARTHA SARATHI SEN

WPA 30371 of 2024

With

IA NO. CAN 2 OF 2025

S. Shaleh @ Shaleh.

-Vs-

Bank of Maharashtra & Ors.

For the Petitioner:

Mr. Achin Kumar Majumder, Adv.,
Ms. Ananya Adhikary, Adv.

For respondents/Bank:

Mr. Subir Sanyal, Sr. Adv.,
Mr. Sourav Kumar Mukherjee, Adv.,
Ms. Falguni Jana, Adv.,
Ms. Sahana Pal, Adv.,
Mr. Souhardya Mitra, Adv.

Hearing concluded on:

12.12.2025.

Judgment on:

19.12.2025.

PARTHA SARATHI SEN, J. : –

1. The subject matter of challenge in the instant writ petition is the memo dated 07.12.2024 as issued by the respondent no.6/ Authority addressed to the writ petitioner whereby and whereunder the respondent no.6/authority transferred the writ petitioner from Kolkata Zone to Patna Zone.

2. It is undisputed that the writ petitioner is a Senior Manager in Scale III and pursuant to her release on 08.01.2021 from Pune City Zone she joined in the Kolkata Zonal Office of respondent no.1/bank as Senior Manager, Scale III.

3. At the time of hearing, Mr. Majumder, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page nos.22 to 39 of the instant writ petition being a copy of memo dated 24.06.2024 enclosing therewith a copy of the Transfer Policy governing the officers in Scale I, II and III as adopted by the Board of Directors of the respondent no.1/bank in a meeting dated 07.06.2024.

4. In course of his submission Mr. Majumder further draws attention of this Court to Clauses 5.4 and 5.5 of the said Transfer Policy under the heading "Inter Zone Transfer". It is submitted by Mr. Majumder that on careful perusal of Clauses 5.4 and 5.5 of the said Transfer Policy it would reveal that the officers in MNGS-II and III who have completed six years continuous service in a zone would be transferred to another zone and Clause 5.5 of the said Transfer of Policy contemplates that in case of an officer, specialized officer and general officer who has completed normal tenure of three years at one post and in the event suitable post/vacancy is not available in the zone he/she would be transferred in any other zone.

5. Drawing attention to Clause 11 of the said Transfer of Policy it is further submitted by Mr. Majumder that the said Clause 11.1 clearly indicates the competency of an authority who is entitled to transfer an officer in the Scale of I, II and III. It is submitted by Mr. Majumder that from the tabular chart as has been given under Clause 11.1 of the said Transfer Policy contemplates that DGM,HRM is the competent authority to transfer officers in Scale I, II and III. Drawing attention to the order of

transfer dated 07.12.2024 a copy of which has been annexed at page no. 40 of the instant writ petition it is further submitted by Mr. Majumder that from the said transfer order/memo dated 07.12.2024 it would reveal that it is the respondent no.6, who is Assistant General Manager, HO-HRM had issued the said transfer order who is much below the rank of DGM, HRM and thus the respondent no.6 is not at all competent to issue the said impugned memo in view of Clause 11.1 of the said Transfer Policy. Drawing attention to paragraph nos.9 and 25 of the instant writ petition it is further submitted by Mr. Majumder that such incapacity of the respondent no.6/authority to transfer the writ petitioner from Kolkata Zone to Patna Zone has been specifically pleaded in paragraph nos.9 to 25 of the instant writ petition.

6. At this juncture Mr. Majumder took me to page no.33 of the affidavit-in-opposition as filed by the respondent nos.1 to 7 being a copy of the Office Order dated 06.06.2023. It is submitted by Mr. Majumder that from the copy of the said Office Order dated 06.06.2023 it would reveal that one Shri Barve Ajay Srikrishna who is an officer in the rank of the Assistant General Manager, Disciplinary Matter Cell, HRM Department was advised to officiate and exercise all the non-lending and administrative powers of the DGM, HRM with immediate effect. It is further submitted by Mr. Majumder that from the order under challenge dated 07.12.2024 it would reveal that the said Shri Barve Ajay Srikrishna has issued the order of transfer dated 07.12.2024 in the capacity of Assistant General Manager, HO,HRM in complete violation of the Modified

Transfer Policy as has been communicated through memo dated 24.06.2024 which clearly indicates that for intra-zonal transfer of an officer in the Scale of Group III (in which the writ petitioner belongs) the appropriate authority is DGM, HRM and thus the said Shri Barve Ajay Srikrishna being far below the rank of DGM, HRM is not the competent person to issue the impugned transfer order dated 07.12.2024 and on such score the said transfer order dated 07.12.2024 may be quashed.

7. Drawing attention to paragraph nos. 21 and 29 of the affidavit-in-reply it is further submitted by Mr. Majumder that from the impugned memo dated 07.12.2024 it would also not reveal that the said Shri Barve Ajay Srikrishna while issuing the impugned transfer order dated 07.12.2024 acted in the capacity of DGM, HRM as wrongly claimed on behalf of the respondent/authorities. It is further submitted by Mr. Majumder that Shri Barve Ajay Srikrishna being an officer in the rank of Assistant General Manager in his officiating capacity which is a stop gap measure cannot issue a transfer order overlooking the approved modified policy as mentioned (supra).

8. In course of his submission Mr. Majumder again took me to page nos.29 and 30 of the instant writ petition. It is submitted by Mr. Majumder that from Clause 7.4 of the said Transfer Policy it would reveal that in case of intra-zonal transfer, specialized officer such transfer will be effective in consultation with the Vertical Head of the said Specialized Area, however, maximum tenure shall be 6 years in a Zone/Administrative Offices. It is submitted by Mr. Majumder that in the

impugned order of transfer there is no whisper that the transfer of the writ petitioner was effected after consultation with the Vertical Head of the Specialized Area.

9. It is further submitted by Mr. Majumder that while issuing the impugned order of transfer the respondent/authorities did not adhere to Clause no. 5.5 of the said Transfer Policy which says that after completion of normal tenure of three years at one post an officer, specialized officer and general officer would be transferred to any other zone provided no suitable post or vacancy is available in the zone.

10. It is submitted by Mr. Majumder that despite submission of representation on medical ground dated 10.02.2024, a copy of which has been annexed at page no.59 of the writ petition, the respondent/authorities did not give any answer to such representation and made no endeavour to disclose as to whether any suitable post/vacancy is at all available in Kolkata Zone or not.

11. It is thus submitted by Mr. Majumder that from the chronology of the events as pleaded by the writ petitioner in her writ petition as well as in her affidavit-in-reply it would reveal that the impugned order of transfer is unjust, arbitrary and motivated inasmuch as it is the specific case of the writ petitioner that the impugned order of transfer has been issued only to accommodate the private respondent no.7 in Kolkata Zone who is less experienced and competent than the writ petitioner.

12. It is further submitted by Mr. Majumder that from the copy of the representation dated 10.12.2024 it would reveal that it is the further

specific case of the writ petitioner that she is a cancer patient and for her follow-up and care, monitoring and emotional support to ensure recovery and prevent recurrence her transfer to Patna Zone would be detrimental.

13. In course of his submission Mr. Majumder places his reliance upon the following three reported decisions namely:-

- i. ***Subir Bose Vs. State of West Bengal & Ors.*** reported in ***(2010) 3 SLR 285;***
- ii. ***N.K. Singh Vs. Union of India & Ors.*** reported in ***AIR 1995 SC 423;***
- iii. ***Dr. Ramesh Chandra Tyagi Vs. Union Of India & Ors.*** reported in ***(1994) 2 SCC 416.***

14. Per contra Mr. Sanyal Learned Senior Advocate duly assisted by Mr. Mukherjee appearing on behalf of the Respondent No. 1 in course of his argument at the very outset draws attention of this Court to Paragraph 8 of the affidavit-in-opposition as filed on behalf of the Respondent Nos. 1 to 7. It is argued by Mr. Sanyal that on careful perusal of Paragraph 8 of the said affidavit-in-opposition it would reveal that after her appointment on 16.11.2009, the writ petitioner was given her first posting at Mumbai Zonal Office and subsequent thereto whenever she has been transferred from her respective places of working, she on some pretext or other declined to abide by the orders of transfer as have been issued by the respondent bank and even made attempt to influence the higher officials of the respondent bank in order to stall her transfer which would be

evident from the annexures to the affidavit-in-opposition as have been annexed at Page No. 25 to 30 of the said opposition.

15. It is thus submitted on behalf of the respondent bank that from the conduct of the writ petitioner it would reveal that the writ petitioner is in the habit of disobeying the orders of her employer and thus, the writ petitioner is found to be not diligent in obeying the order of her superior authorities for the reason best known to her.

16. In his next limb of submission Mr. Sanyal took me to page No. 33 of the affidavit-in-opposition being a copy of the Office Order dated 06.06.2023 as issued by the respondent bank authority. It is submitted that from the said Office Order dated 06.06.2023 it would reveal that the respondent No. 1 Shri Barve Ajay Srikrishna (PF-129847) the then Assistant General Manager, Disciplinary Matters Cell, HRM Department of the respondent Bank was directed to officiate and exercise all the non-lending and administrative powers of the Deputy General Manager, HRM with immediate effect and by virtue of the said order the said Sri Barve Ajay Srikrishna was further directed to perform the duties applicable to the Deputy General Manager, HRM including the matters related to Disciplinary Matter Cell.

17. It is thus argued by Mr. Sanyal that from the said Office Order dated 06.06.2023 it would reveal that the respondent bank by issuing such Office Order empowered Shri Barve Ajay Srikrishna to discharge the function and duties of the Deputy General Manager, HRM and in such capacity the said Shri Barve Ajay Srikrishna issued several transfer

orders including the transfer order of the writ petitioner (which is impugned in the instant writ petition).

18. It is thus argued by Mr. Sanyal that by no stretch of imagination it can be said that the said Shri Barve Ajay Srikrishna had no authority to issue the said transfer orders including the impugned transfer order of the writ petitioner.

19. It is further argued on behalf of the respondent Bank that there was no mala fide on the part of the respondent Bank as well as on the part of the said Shri Barve Ajay Srikrishna inasmuch as the said Shri Barve Ajay Srikrishna in discharging his function as Deputy General manager, HRM not only issued the impugned order of transfer but also the orders of transfer of the other officials of the respondent Bank.

20. It is further argued on behalf of the respondent Bank that from the cause title and the affidavit-in-opposition of the instant writ petition it would reveal that the writ petitioner with some designed motive had not disclosed her actual address since in the cause title of the writ petition she stated that she was working for gain at premises No. 3 N.S. Road, Kolkata 700 001 whereas in her affidavit she stated that she resides in the self-same premises which is contrary to the truth and such contradiction is deliberate on the part of the writ petitioner in order to suppress her actual place of residence which shows that the writ petitioner has not approached before this Court with clean hands.

21. In course of his submission learned Advocate appearing on behalf of the respondent Bank further contended that the writ petitioner was found

to be guilty of suppression of material facts inasmuch as in Paragraph 12 of the instant writ petition, the writ petitioner stated on oath that her husband is a colonel in the Indian Army and now posted at Andhra Pradesh whereas on perusal of the letter as written by the writ petitioner to her higher official as has been annexed at page No. 30 of the affidavit-in-position it would reveal that she disclosed that her husband is in private job at Bangalore.

22. In course of his argument learned Advocate appearing on behalf of the respondent Bank also places his reliance to the Transfer Policy of the respondent Bank as has been annexed at Page Nos. 22 to 39 of the instant writ petition. Placing reliance upon Clause 4.8.6, 5.1, 5.5, 7.1 and 7.4 of the said Transfer Policy it is submitted on behalf of the respondent Bank that on conjoint perusal of the said clauses of the Transfer Policy, it would reveal that the maximum tenure of stay of an officer in a zone is 6 years however, for administrative exigency such officer may be transferred even before the completion of the maximum period of 6 years in a zone.

23. It is further argued that harmonious reading of the aforementioned said clauses clearly indicate that normal tenure of posting of an officer, specialized officer as well as general officer is 3 years at one post and in no case it would be extended beyond 6 years. It is thus submitted that from chronology of events it would thus reveal that there was no mala fide on the part of the respondent Bank in transferring the writ petitioner from Kolkata to Patna and therefore, there cannot be any occasion to interfere with the order of transfer dated 07.12.2024 of the writ petitioner.

24. It is further submitted that from Page No. 39 of the aforesaid affidavit-in-opposition it would reveal that soon after getting the order of transfer dated 07.12.2024 the writ petitioner made a communication through mail dated 12.12.2024 with the Deputy Zonal Manager, Patna whereby and wherein she assured the transferree authority that on account of her physical ailment she was not in a position to join at her new place of posting and would resume her duties as soon as possible.

25. It is thus argued on behalf of the respondent Bank that the abovementioned conduct of the writ petitioner tantamounts to an act of acquiescence which she cannot be permitted to disown latter. In this regard reliance was placed on behalf of the respondent Bank on the reported decision of ***R.N. Gosain A Vs. Yashpal Dhir*** reported in **(1992) 4 SCC 683**.

26. On the next day of hearing, Mr. Mukherjee, learned Advocate for the Bank further draws attention of this Court to Page No. 59 of the instant writ petition being a copy of the representation dated 10.12.2024 as submitted by the writ petitioner with the Respondent No. 6 authority whereby and whereunder she made a request to the Respondent No. 6 authority to reconsider her transfer order and to allow her to continue to serve at her last place of posting. It is further submitted by Mr. Mukherjee that Page No. 39 of the affidavit-in-opposition as submitted by the writ petitioner with the Deputy General Manager, Patna and Page No. 59 of the instant writ petition being a copy of the representation of the writ petitioner addressed to the Assistant General Manager, HR Mare looked

into, it would reveal that the act of the Respondent No. 6 herein are glaring example of the principle of “approbate and reprobate”. In this regard, Mr. Mukherjee places reliance upon the reported decision of ***Union of India and Ors. Vs. N. Murugesan and Ors.*** reported in **(2022) 2 SCC 25**.

27. It is further argued by Mr. Mukherjee that while making representation before the Respondent No. 6 authority (Page 59 of the writ petition) the writ petitioner intentionally did not disclose regarding sending of mail dated 21.12.2024 to the Deputy General Manager, Patna Zonal office wherein she expressed her desire that she would assume her duties after recovery. It is thus submitted by Mr. Mukherjee that on account of suppression of material fact with some oblique motive it may be presumed that the writ petitioner has approached this High Court for exercising high prerogative writ jurisdiction by suppression of material facts and, therefore, the writ petitioner is not entitled to the remedy as sought for. In support of his contention Mr. Mukherjee places his reliance upon the reported decision of ***K.D. Sharma Vs. Steel Authority of India Limited and Ors.*** reported in **(2008) 12 SCC 481**.

28. In course of his submission, Mr. Mukherjee also draws attention of this Court to Paragraph 23 of the affidavit-in-reply as filed by the writ petitioner. It is argued that in that said paragraph of the affidavit-in-reply the writ petitioner had made an attempt to justify her misdeed as quoted (supra) which ought not to be entertained.

29. Drawing reference to Page 33 of the affidavit-in-opposition being a copy of the Office Order dated 06.06.2023, it is further argued by Mr. Mukherjee that by no stretch of imagination the writ petitioner at this stage can challenge the authority of the Respondent No. 6 authority to issue transfer order in view of the fact that under cover of her representation dated 10.12.2024, she had practically accepted the authority of the Respondent No. 6 to issue the order of transfer which is why she made a representation dated 10.12.2024 with the Respondent No. 6 authority.

30. Placing his reliance upon the reported decision of **Gopalji Khanna Vs. Allahabad Bank and Others** Reported in **(1996) 3 SCC 538** it is further argued by Mr. Mukherjee that since the Respondent No. 6 authority by virtue of the Office Order dated 06.06.2023 was discharging his function of non-lending and administrative powers of Deputy General Manager, HRM substantially there cannot be any justification to raise the question of the eligibility and/or competence of the Respondent No. 6 in issuing the transfer order of the writ petitioner as well as other officers too. It is further argued by Mr. Mukherjee that even in the representation dated 10.12.2024 as submitted by the writ petitioner with the Respondent No. 6 authority the competence of the Respondent No. 6 authority in issuing order of transfer was also not questioned.

31. It is further argued by Mr. Mukherjee that it is settled position of law that transfer is an incidence of service and such view was taken by the Hon'ble Supreme Court in the reported decision of **Tushar D. Bhatt**

Vs. State Of Gujarat & Anr. reported in ***(2009) 11 SCC 678*** and in view of such the writ petitioner's prayer ought not to be entertained considering the fact that the transfer of the writ petitioner was on account of administrative exigency of the respondent bank.

32. Placing his reliance upon the reported decision of ***State of Madhya Pradesh & Anr. Vs. Sri S.S. Kourav & Ors.*** reported in ***(1995) 3 SCC 270***, ***Gujarat Electricity Board & Anr. Vs. Atmaram Sungomal Poshani*** reported in ***(1989) 2 SCC 602*** and the judgment dated 13.08.2015 as passed in WA No. 552 of 2015 (***Mridul Kumar Sharma Vs. The State of Madhya Pradesh***) as passed by the Hon'ble High Court of Madhya Pradesh it is argued by Mr. Mukherjee that the transfer order of the writ petitioner which is impugned in the instant writ petition ought not to be disturbed merely on the ground of relative hardship and/or pendency of representation and/or the difficulty of the employee in moving from one place to the other unless it has been shown that the order of transfer is vitiated by mala fides or by extraneous consideration.

33. Mr. Mukherjee thus submits that it is a fit case for dismissal of the instant writ petition.

34. In his reply Mr. Majumder, learned Advocate appearing on behalf of the writ petitioner further contended that the Office Order dated 06.06.2023 as issued by the respondent Bank is much anterior to the Transfer Policy dated 24.06.2024 and thus, the said Office Order has got no binding effect over the Transfer Policy dated 24.06.2024. It is thus contended by Mr. Majumder that after publication and circulation of the

Transfer Policy dated 24.06.2024 Shri Barve Ajay Srikrishna had no authority to issue the order of transfer of the writ petitioner on 05.11.2024. It is further argued by Mr. Majumder that in absence of any delegation by the Board of Directors which approved the Transfer Policy, Shri Barve Ajay Srikrishna was not entitled to issue the order of transfer of the writ petitioner.

35. It is further argued by Mr. Majumder that since the writ petitioner's representation dated 10.12.2024 for reconsideration of transfer order on medical grounds was not disposed of by the respondent Bank, the alleged suppression on the part of the writ petitioner becomes irrelevant. It is further argued by Mr. Majumder that the reported decisions as cited by the respondent Bank are distinguishable from the facts and circumstances as involved in the instant writ petition.

36. This Court has meticulously gone through the entire materials as placed before this Court. This Court has given its due consideration over the submissions of the learned Advocates for the contending parties.

37. At the very outset this Court proposes to look to some of the settled principles of law as laid down by the Hon'ble Supreme Court while dealing with the subject of transfer of a public servant from one post to other.

38. In the reported decision of **N.K. Singh (Supra)** the Hon'ble Apex Court while dealing with a case involving transfer of an IPS Officer expressed the following view:

“6.the scope of judicial review in matters of transfer of a government servant to an equivalent post without

any adverse consequence on the service or career prospects is very limited being confined only to the grounds of mala fides and violation of any specific provision or guideline regulating such transfers amounting to arbitrariness.”

* * * * *

“23.The tendency of anyone to consider himself indispensable is undemocratic and unhealthy. Assessment of worth must be left to the bona fide decision of the superiors in service and their honest assessment accepted as a part of service discipline. Transfer of a government servant in a transferable service is a necessary incident of the service career. Assessment of the quality of men is to be made by the superiors taking into account several factors including suitability of the person for a particular post and exigencies of administration. Unless the decision is vitiated by mala fides or infraction of any professed norm or principle governing the transfer, which alone can be scrutinised judicially, there are no judicially manageable standards for scrutinising all transfers and the courts lack the necessary expertise for personnel management of all government departments.”

* * * * *

“24. The private rights of the appellant being unaffected by the transfer, he would have been well advised to leave the matter to those in public life who felt aggrieved by his transfer to fight their own battle in the forum available to them.”

39. In the reported decision of **Sri S.S. Kourav (Supra)** the Hon’ble Supreme Court held thus:

“4.The courts or tribunals are not appellate forums to decide on transfers of officers on administrative grounds. It is for the administration to take appropriate decision and such decisions shall stand unless they are vitiated either by mala fides or by extraneous consideration without any factual

background foundation. In this case we have seen that on the administrative grounds the transfer orders came to be issued. Therefore, we cannot go into the expediency of posting an officer at a particular place.”

* * * * *

“6.This Court cannot go into that question of relative hardship. It would be for the administration to consider the facts of a given case and mitigate the real hardship in the interest of good and efficient administration. If there is any such hardship, it would be open to the respondent to make a representation to the Government and it is for the Government to consider and take appropriate decision in that behalf.”

40. On careful perusal of the aforementioned two reported decisions, this Court has no hesitation in mind that a transfer order can be challenged in a judicial review basically on two grounds namely; (i) on the ground of mala fide on the part of the administration and (ii) on account of violation of any specific provision or guidelines regulating such transfers amounting to arbitrariness.

41. Keeping in mind the aforementioned propositions of law, if I look to the factual aspects as involved in the instant writ petition, it appears to this Court that in Paragraph 10 of the instant writ petition it has been specifically averred by the writ petitioner that in order to accommodate the private respondent no. 7 who is a Legal Officer in MMG, Scale II as recruited in the year 2024, the writ petitioner was transferred from Kolkata Zone to Patna Zone without considering the fact that the private respondent no. 7 is much junior to her and thus, possessed less

experience than the writ petitioner. In course of his argument, Mr. Majumder was also very vocal on this aspect.

42. Admittedly, there are sufficient pleadings with regard to the alleged mala fide action on the part of the respondent Bank, however, in course of his submission, Mr. Majumder has miserably failed to produce any scrap of paper to establish the alleged mala fide on the part of the respondent no. 7.

43. In considered view of this Court such aspect has been dealt with by the Hon'ble Supreme Court in the case of **N.K. Singh (Supra)** wherein it has been categorically held by the Hon'ble Supreme Court that it is not at all worthy for anyone to consider himself indispensable for a post and further assessment of worth must be left to the bona fide decision of the superiors in service. In the reported decision of **Tushar D. Bhatt (Supra)** the Hon'ble Supreme Court further held that the legal position has been crystallized in a number of judgments that transfer is an incidence of service and transfers are made according to the administrative exigencies.

44. It thus appears to this Court that in absence of any mala fide on the part of the respondent Bank the writ petitioner is not entitled to challenge her order of transfer which has been issued by the respondent Bank for administrative exigency and further, the contention of the writ petitioner that by way of such transfer a less experienced incumbent is posted at Kolkata Zone lies purely on the administrative domain of the respondent Bank over which the writ petitioner had got nothing to say.

45. In order to assess the competency of Shri Barve Ajay Srikrishna to issue the order of transfer dated 07.12.2024 from Kolkata Zone to Patna Zone, this Court at the very outset proposes to look to the copy of the approved Transfer Policy governing the officers in Scale I, II and III. It is pertinent to mention herein that such Transfer Policy was approved by the Board of Directors in its meeting dated 07.06.2024.

46. For effective adjudication of the instant *lis* some relevant clauses of the said Transfer Policy are required to be looked into and those are quoted below in verbatim:

4.8.6 *For administrative exigencies, however, the officers shall be liable to be transferred even before completion of maximum tenure/ stay of 6 years in a Zone.*

* * * * *

5.1 *Ordinarily and excepting those recruited/ trained/ promoted for specialized functions, officer in Junior Management Grade Scale-I will be transferred to Branches / Offices within a Zone, subject to a total tenure of 6 years within the Zone. Thereafter, they will be posted to adjacent Zones/State, as the case may be.*

* * * * *

5.4 *Officer in MMGS-II & III, who has completed 6 years continuous service in a Zone (including that under JMGS-I and/or MMGS-II) shall be transferred to another Zone. Such transfers would be on all India basis.*

* * * * *

5.5 *In case an officer, Specialized officer as well as General Officer, completes normal tenure of 3 years at one post and suitable post/ vacancy is not available in*

the Zone, he/she would be transferred to any other zone.

* * * * *

7.1 *Notwithstanding anything specified elsewhere in the guidelines regarding the transfer, posting, normal tenure at a place/ Zone etc., an Officer in the specialized category is transferable to any office/branch as per the operational requirement and the suitability of the concerned Officer.*

* * * * *

7.4 *In case of Intra Zone transfer of Specialized Officer, such transfer will be effected in consultation with the vertical Head of the said specialized area, however maximum tenure shall be 6 years in a Zone/ admin. Offices.*

* * * * *

11.1 *Inter Zone transfers & transfers within HO Departments will be decided by the authorities as under:*

Particular Cadre	Competent Authority
<i>For Officers in Scale I, II & III</i>	<i>DGM, HRM</i>
<i>For Officers in Scale IV</i>	<i>GM, HR</i>
<i>For Officers in Scale V</i>	<i>ED (HR) portfolio</i>
<i>For Officers in Scale VI & VII</i>	<i>MD & CEO</i>

47. On conjoint reading of the aforementioned clauses of the said Transfer Policy, it would reveal and as has been rightly pointed out by Mr. Mukherjee, in course of his argument that for administrative exigencies an officer shall be liable to be transferred even before completion of maximum tenure/ stay of six years in a zone. Clause 5.5 of the said

Transfer Policy further postulates that in case of an officer, specialized officer as well as general officer completes normal tenure of three years at one post and suitable post which vacancies not available in the zone, he/she would be transferred to any other zone.

48. On perusal of page 21 (Annexure-P1) of the writ petition it reveals that the writ petitioner was relieved on 08.01.2021 from Pune City Zone, Maharashtra to join Kolkata Zone whereas the impugned order of transfer was issued on 07.12.2024 which means that the writ petitioner was posted in Kolkata Zone for a period of more than 3 years, that is to say that the writ petitioner has completed her normal tenure of 3 years at one post in Kolkata Zone. In view of such, by no stretch of imagination it can be said that her transfer from Kolkata Zone to Patna Zone is prematured one, especially when the transfer in the cadre to which the writ petitioner belongs is All-India basis.

49. On careful perusal of the impugned transfer order dated 07.12.2024 it further reveals that the impugned order of transfer is captioned as 'administrative transfer' and thus, by no stretch of imagination it can be said that the impugned order of transfer dated 07.12.2024 is in anyway punitive in nature.

50. The next and most vital question arises for consideration of this Court is as to whether Shri Barve Ajay Srikrishna being the Assistant General Manager, H.O., HRM is at all competent to issue the order of transfer of the writ petitioner. On careful perusal of the Office Order dated 06.06.2023 (Annexure R-6 of the affidavit-in-oppositon), it would reveal

that by issuing an Office Order the respondent Bank directed Shri Barve Ajay Srikrishna, Assistant General Manager, Disciplinary Matter Cell, HRM Department to officiate and exercise of the non-lending and administrative powers of Deputy General Manager, HRM with immediate effect with a further direction that Shri Barve Ajay Srikrishna would perform the duties applicable to Deputy General Manager, HRM along with matters related to Disciplinary Matter Cell.

51. At this juncture, if I once again look to Clause 11.1 of the said Transfer Policy, it reveals that for Officers in Scale I, II and III, the transferee authority is Deputy General Manager, Human Resource Management. Drawing attention to Annexure P-3 of the writ petition being a copy of the impugned order of transfer dated 07.12.2024 it was contended by Mr. Majumder that in such transfer Shri Barve Ajay Srikrishna issued the order of transfer in the capacity of Assistant General Manager, H.O., HRM who is much below the rank of Deputy General Manager, HRM and thus, there occurred an infraction of rule regulating the policy of transfer leading to arbitrary action on the part of the respondent Bank authority.

52. In considered view of this Court the argument as advanced by Mr. Majumder is not at all acceptable inasmuch as much prior to the issuance of the impugned order of transfer dated 07.12.2204 Shri Barve Ajay Srikrishna was permitted to officiate and exercise non-lending and administrative powers of DJM, HRM by virtue of an Office Order dated 06.06.2023.

53. It thus appears to this Court that while issuing the impugned order of transfer dated 07.12.2024 the said Shri Barve Ajay Srikrishna did not exceed his jurisdiction and on the contrary he had acted in accordance with the norms of the Transfer Policy. It is equally unacceptable that such transfer order has got no binding force since the transferee authority acted in officiating capacity inasmuch as Clause 11.1 of this said Transfer Policy does not debar a competent officer to issue transfer order though acting in an officiating capacity especially when such capacity was entrusted upon him by a superior officer like a General Manager, HRM by issuing Office Order dated 06.06.2023.

54. Materials have been placed before this Court by the respondent/Bank by way of affidavit-in-opposition that Shri Barve Ajay Srikrishna, Assistant General Manager, Disciplinary Matter Cell, HRM while officiating the power of DGM, HRM not only issued the order of transfer of the writ petitioner but also issued similar such transfer orders of the officers of the Scale II and III and thus, the allegation of mala fide on the part of the respondent Bank got diluted from the action of the respondent Bank.

55. It is equally pertinent to mention herein that by submitting representation dated 10.12.2024 (Annexure P-5 of the writ petition), the writ petitioner only prayed for reconsideration of transfer order before the transferee authority and in such representation he has not raised the question of competency of the transferee authority to issue the order of transfer which is impugned in the instant writ petition.

56. The other reported decisions as cited from the Bar are quite distinguishable from the facts and circumstances of the instant writ petition and those are thus found not to be much relevant for discussion.

57. In view of the discussion made hereinabove, this Court finds no infirmity and/or illegality in the transfer order dated 07.12.2024 as issued by the respondent 6 authority. Rather it appears to this Court that such transfer order has been issued by the said authority within the parameter of approved Transfer Policy governing the officers in Scale I, II and III of the respondent Bank. No case has been made out on behalf of the writ petitioner to substantiate that the impugned order of transfer violates the settled principles of law which warrants interference in judicial review.

58. As a result, the instant writ petition fails and is hereby dismissed. The interim order as passed on 24.09.2025 and as extended time to time stands hereby vacated.

59. With the disposal of the instant writ petition all pending interlocutory applications are also disposed of.

60. Urgent photostat certified copy of this judgement, if applied for, be given to the parties on completion of usual formalities.

(PARTHA SARATHI SEN, J.)