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W.A.No.2339 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.2339 of 2024 and C.M.P.No.16436 of 2024

P.S.Sridhar

..Appellant(s)

Vs

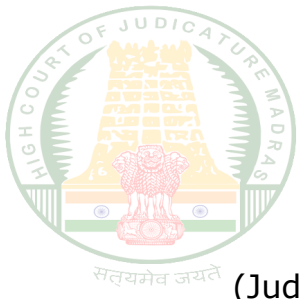
1. The General Manager
Canara Bank, Circle Office, No.563,
PB 1078, 1, Anna Salai, Teynampet,
Chennai – 018.
2. Assistant General Manager
Canara Bank, Regional Office, Plot No.92,
92/P, 6th West Cross Rd,
Suthanthira Ponvizha Nagar,
Gandhinagar West, Vellore - 006.
3. The Assistant General Manager
Canara Bank Regional Office,
Sai International Building,
Near KSRTC Bus Stand, Nellikatte Road,
Puttur, Karnataka.
4. The Chief Manager
Canara Bank, Vellore Main Branch,
IRCS Building, Near Old Bus Stand, Vellore.

..Respondent(s)

Prayer: Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 28.06.2024 in W.P.No.15970 of 2024.

For Appellant(s): Mr.K.Gangadaran

For Respondent(s): Ms.S.R.Sumathy
for R1 to R4



JUDGMENT

(Judgment of the Court was delivered by S.M.SSUBRAMAINAM J.)

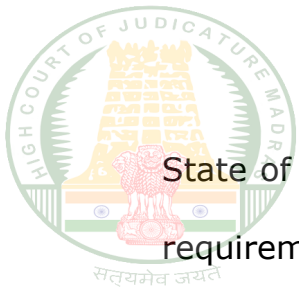
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Under assail is the writ order dated 28.06.2024 passed in W.P.No.15970 of 2024.

2. The writ petitioner is the appellant before this Court. The writ petition has been instituted challenging the order of administrative transfer dated 01.06.2024, transferring the appellant from Vellore to Puttur Branch at Mangaluru. The Writ Court since has not interfered with the order of transfer, but granted time to the appellant to join in the transferred place after 31.07.2024, the present writ appeal has been preferred by the appellant.

3. The learned counsel appearing for the appellant would mainly contend that the order of transfer issued by the Assistant General Manager of Canara Bank is without jurisdiction. As per the transfer Guidelines, the wife of the appellant is working in the Indian Bank at Vellore and therefore, the order of transfer is in violation of the transfer Guidelines.

4. The learned counsel appearing for the respondent Bank would oppose by stating that, as on the date of filing of the writ petition, the appellant completed 31 years of service in the Bank and he worked in the



State of Tamil Nadu for 28 years and after considering the administrative requirements, the appellant was transferred to Mangaluru.

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5. The Writ Court considered that the wife of the appellant, working in Indian Bank, may also made a request for transfer to Mangaluru. The Writ Court further relied on the transfer Guidelines issued by the respondent Bank that, in case of long distance inter-regional transfer, the transferee should be put on notice.

6. In this context, the learned counsel appearing for the respondent would submit that an advance e-mail was communicated to the appellant on 15.02.2024 regarding the inter-State transfer from Tamil Nadu to Karnataka.

7. May that as it be, the legal position on administrative transfers are considered by this Court elaborately in the judgment dated 11.12.2024 passed in a batch of writ petitions in W.P.No.15589 of 2023 and etc. batch and the same is extracted hereunder:-

"LEGAL POSITION ON ADMINISTRATIVE TRANSFER:

26. Administrative transfers are incidental to service and conditions of service. When transfer is an administrative condition, ordinarily no application or writ is entertainable before the Court of Law. An application or writ against the order of administrative transfer is entertainable, if the transfer order has been issued by an incompetent authority having no jurisdiction or allegation of mala fides are raised. Even in case of raising an allegation of mala fides, the authorities against whom such allegations are raised, must be impleaded as a party-respondent in their personal capacity.



27. Place or post can never be the choice of an employee. Organisational requirements and public interest are of paramount importance. Transfers are unavoidable in Government Departments for efficient public administration, which is a constitutional mandate. Courts cannot interfere with day-to-day administration of the Government Departments / Organisations. Such interference undoubtedly would cause prejudice to the interest of efficient administration. It is the prerogative of the Executive Authority to take decisions regarding transfer and posting of an employee in a particular place and post.

28. Interference in administrative transfer orders are beyond the realm of the power of judicial review. Adjudication of transfer on merits are ordinarily impermissible. Personal / family grievances of the employees are to be considered only by the employer concerned, and not by the Courts. Misplaced sympathy by Courts in the matter of administrative transfers would cause inconvenience to the public administration.

29. In the case of *Shilpi Bose* cited *supra*, the Apex Court reiterated that the Courts should not interfere with the transfer order, which is made in public interest and for administrative reasons. Unless the transfer orders are made in violation of any mandatory statutory rules or on the ground of *mala fide*. A Government servant holding a transferable post have no vested right to remain posted at one place or the other. Transfer orders issued by the competent authority do not violate any of his service rights. If the Courts continue to interfere with the day-to-day transfer orders issued by the Government and the authorities, there will be complete chaos in the administration, which would not be conducive to public interest.

30. In the present case, even during the first round of litigation the High Court granted liberty to the respondents to approach the Transfer Grievance Redressal Committee and directed the Committee to take a decision on merits. Once the Committee made its decision, it became final in respect of transfers.

31. Question arises, whether the transfer policy / guidelines will have the effect of statute and are enforceable in the eye of law. In this context, in *Gobardhan Lal's* case cited *supra*, the Hon'ble Supreme Court in unequivocal terms held that the order of transfer made even in transgression of administration guidelines cannot be interfered with, as they do not confer any legally enforceable rights.



32. Administrative guidelines for regulating transfers or outlining transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress, but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer / servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments.

33. Therefore, the legal position regarding judicial interference in administrative transfers had been repeatedly reiterated by the Constitutional Courts. Courts cannot run the administration and interference in administrative transfers would affect the routine administration of the Government Departments/Organisations. Therefore, the cases of transfers to be considered based on the legal position settled by the Constitutional Courts.

34. The Hon'ble Supreme Court of India in the case of Tushar D. Bhatt vs. State of Gujarat¹, head as follows:

"16. The legal position has been crystallised in a number of judgments that transfer is an incidence of service and transfers are made according to administrative exigencies.

17. In the instant case, in the entire tenure of more than 18 years, the appellant was only transferred twice. The appellant's transfer order cannot be termed as mala fide. The appellant was not justified in defying the transfer order and to level allegations against his superiors and remaining unauthorisedly absent from official duties from 11-10-1999 to 27-4-2000 i.e. more than six months. In the interest of discipline of any institution or organisation such an approach and attitude of the employees cannot be countenanced.

18. In Gujarat Electricity Board v. Atmaram Sungomal Poshani [(1989) 2 SCC 602 : 1989 SCC (L&S) 393 : (1989) 10 ATC 396 : AIR 1989 SC 1433] this Court had an occasion to examine the case of almost similar nature. This Court observed as under: (SCC p. 607, para 4)

¹. (2009) 11 SCC 678



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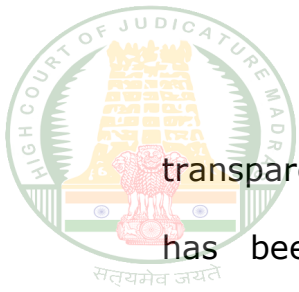


"4. ... Transfer from one place to other is necessary in public interest and efficiency in the public administration. Whenever, a public servant is transferred he must comply with the order but if there be any genuine difficulty in proceeding on transfer it is open to him to make representation to the competent authority for stay, modification or cancellation of the transfer order. If the order of transfer is not stayed, modified or cancelled the public servant concerned must carry out the order of transfer. In the absence of any stay of the transfer order a public servant has no justification to avoid or evade the transfer order merely on the ground of having made a representation, or on the ground of his difficulty in moving from one place to the other. If he fails to proceed on transfer in compliance with the transfer order, he would expose himself to disciplinary action under the relevant rules, as has happened in the instant case. The respondent lost his service as he refused to comply with the order of his transfer from one place to the other"."

35. In the recent case of *The Tamil Nadu Agricultural University and Another vs. R.Agila ETC*, in Special Leave to Appeal (C) Nos.13070-13075 of 2022 dated 20th August, 2024, the Hon'ble Supreme Court of India held as follows:

"18. Despite there being no interim order in their favour, respondent nos.4 and 7 continued to remain absent after being relieved from their original place of posting. As such, this Court is not inclined to extend any benefit of salary for the period of unauthorised absence. However, as the transfer order was quashed by the learned Single Judge, their service periods shall continue to be treated in continuity, and they would be entitled to whatever other benefits accrued to them due to this continuity, but no salary for the said period of unauthorised absence."

8. Regarding the ground of jurisdiction raised by the appellant, learned counsel for the respondent has stated that, in order to eliminate any deviations from the transfer policy and to maintain an element of



transparency in the matter of transfers, the transfer process in the Bank has been made system driven. The inter-Circle transfers of the Officer/employees are carried out as per the guidelines of the Head-Office of the Bank.

9. With regard to the ground of jurisdiction raised by the appellant, the process of transfer has been stated as under:-

"The Inter-Circle transfer of Officer employees involves 3 steps process:

First Step: The Head office of the respondent Bank will identify and prepare the list of officers who have completed 3 years of service in their respective Circles and the details of those officers who are liable for transfer out of the Circle based on their seniority in Circle is made available to the respective Circle in the Human Resource Management system package (hereinafter referred as HRMS) of the Bank. Similarly, the details of such employees who are inbound/incoming to a circle are also made available to the respective Circles of the HRMS package in inward list. This exercise is carried out by the Head Office for all its 26 Circles of the Bank pan India.

Second Step: The inwarding Circle maps such inwarded officials from other Circles to respective Regional Officers within the Circle under its through HRMS package. At this stage allotment of inwarded employees at Circle level is complete.

Third Step: As mentioned in Step 2 above the details of such officials (which are allotted to a region) are made available to the concerned Regional Offices through the HRMS package. Then the Human Resource Management Section of the Regional Offices shall allot the inwarded officials to various branches within its jurisdiction as per its administrative requirements.

The Regional Office generates the final transfer order by a system driven process through the HRMS package"



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10. Transfer Guidelines *per se* would not confer any right on the employees. Transfer is incidental to service, more so, conditions of service. No doubt, the order of transfer could be challenged only on the limited grounds of jurisdiction and *mala fide*. A perusal of the above guidelines would show that there is no jurisdictional error in issuing the order of transfer of the appellant. No allegations of *mala fide* are neither pleaded nor established.

11. That apart, the appellant has also served for long years in the State of Tamil Nadu and he is working in the position of Officer in a Nationalised Bank and therefore, inter-State transfer is inevitable. Transfer Guidelines are issued by the Nationalised Banks in order to maintain consistency and transparency and such transfer Guidelines cannot have any statutory force. These Guidelines are only for the purpose of officials to follow and maintain transparency and consistency in the matter of administrative transfers. However, such Guidelines would not confer any right on the employees nor the Guidelines could be relied on for the purpose of setting aside an order of administrative transfer.

12. The time granted by the Writ Court to join in the transferred place at Mangaluru expired on 31.07.2024 and by virtue of an interim order in the present writ appeal, the appellant continues in service at



Vellore for another two years. Therefore, this Court is not inclined to show any leniency. Consequently, the writ appeal stands dismissed. No costs.

WEB CONNECTED miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
29-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

(drm)

To:

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Canara Bank, Circle Office, No.563,
PB 1078, 1, Anna Salai, Teynampet, Chennai – 018.
2. Assistant General Manager
Canara Bank, Regional Office, Plot No.92, 92/P,
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S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.

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