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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 825/2026, CM APPL. 4071/2026 & CM APPL. 4072/2026
BHARTI SHAMIPetitioner

Through: Mr. Rayesh Katyal, Advocate.

versus

UNION OF INDIA & ORS.Respondents
Through: Ms. Shubhi Bhardwaj, SPC with Mr.
Deepansh Sharma, GP for UOI.
Mr. O.P Gaggar, Mr. Sachindra Karn,
Advocates for R-2 & 3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
21.01.2026

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1. This petition under Article 226 of the Constitution of India seeks quashing of the transfer order dated 8th June, 2024, whereby the Petitioner has been transferred from Delhi to Mumbai, as well as the communication dated 8th December, 2025, rejecting the Petitioner's request for retention within the Delhi Zone.
2. The Petitioner joined service as a Probationary Officer in Andhra Bank, which has since merged with Union Bank of India. After completion of her internship, she was posted in Delhi and, thereafter, continued to serve at various branches in Delhi. In 2024, she was posted as Manager at the Dilshad Garden Branch, Delhi.
3. By the impugned order dated 8th June, 2024, the Bank transferred the Petitioner to the Zonal Office, Mumbai. The Petitioner submitted a



representation dated 24th June, 2024 seeking retention within the Delhi Zone on compassionate grounds. The representation relies upon the Petitioner's personal circumstances as an unmarried woman residing with aged parents and the medical condition of both parents, particularly the mother's asserted rheumatoid arthritis and neurological ailments. Thereafter, the Petitioner addressed multiple further representations to the Respondents reiterating her request.

4. The Bank, by the communication dated 8th December, 2025, declined the request, stating that the matter was examined by the Committee in terms of the transfer policy guidelines and no merit was found to accede to the request. The communication further records that the transfer exercise for the year stood completed and no further representations would be entertained for that year. The communication reads as follows:

"This is with reference to your representation regarding Transfer. After a thorough review of your case and the supporting documents submitted, the Committee has examined the matter in line with the applicable transfer policy guidelines.

Based on this review, it has not been found merit to consider your transfer request at this stage.

Please note that the transfer exercise for this year has been completed. While your representation was placed before the Committee, it was not accepted. Accordingly, no further representations will be entertained for this year. You may, however, apply for a transfer during the next annual transfer exercise. This is for your information."

5. The Petitioner assails the impugned transfer and the rejection of her representation on the following grounds:

5.1. It is urged that the Bank has failed to give due effect to the Office Memorandum/letter dated 8th August, 2014 issued by the Ministry of Finance, which advises Public Sector Banks to minimise hardship in



transfers of women employees and, to the extent feasible, to accommodate unmarried women employees near the station where their parents reside.

5.2. Reliance is placed on the proceedings before the High Court of Judicature at Madras in W.P. No. 28838/2024 and the subsequent order passed in the intra-court appeal to contend that the said advisory is intended to be implemented in substance and not treated as a mere formality.

5.3. The Petitioner also relies on a reply furnished by the Ministry of Finance in the Rajya Sabha to submit that Public Sector Banks are expected to adhere to the aforesaid advisory while considering transfer-related representations of women employees.

5.4. The Bank has acted discriminatorily, as another officer, Ms. Barkha Wadhwa, who was allegedly transferred out of Delhi, has been retained within the Delhi Zone, whereas the Petitioner's request for similar relief has been declined.

6. Mr. O. P. Gaggar, counsel for the Bank, opposes the petition and submits that transfer is an incident of service and the scope of judicial review is narrow. It is urged that the Petitioner has remained posted in Delhi for a long period, that the transfer was effected as part of a policy-driven annual exercise, and that the representations were considered by the competent authority but were not found fit for acceptance. It is also stated that the Petitioner has not joined pursuant to the transfer order and is stated to be on leave without pay. He places reliance on the judgment of High Court of Uttarakhand in WPSB No. 337/2024 titled as ***Priyanka Pant vs. Chief General Manager & Ors.*** and judgment of Allahabad High Court in Writ-A No. 9506/2023 titled as ***Tuhina Vaish vs. Union of India & Ors.***, wherein, in similar circumstances, the Courts declined to interfere with



transfer orders.

7. The Court has considered the aforementioned contentions. Transfer is an incident of service, and an employee has no vested right to remain posted at a particular station. The scope of interference under Article 226 in matters of transfer is limited and the Court would interfere only where the transfer is shown to be vitiated by mala fides, issued by an incompetent authority, or in violation of any statutory provision.¹ In the present case, none of the aforesaid grounds are made out.

8. The impugned transfer is not shown to be tainted by mala fides. The pleadings proceed on hardship and on asserted entitlement under an advisory. That is insufficient. No specific material is placed to establish that the transfer was engineered to punish, victimise, or single out the Petitioner. Equally, there is no pleading, much less proof, that the transfer was issued by an authority lacking competence, or that any statutory rule governing transfers has been breached.

9. The Ministry of Finance advisory dated 8th August, 2014, even taken at face value, is framed in exhortatory terms. It encourages minimising hardship in transfers of women employees and speaks of accommodation “as far as possible”, including for unmarried women employees near the parents’ station. An advisory of this nature does not, by itself, create an enforceable right to insist upon posting at a particular station. The legal position remains that executive guidelines on transfers ordinarily confer no vested right, and do not warrant judicial interference merely because an employee seeks enforcement of those guidelines in a particular manner.

¹ *State of U.P. And Others Vs. Gobardhan Lal and Others* (2004) 11 SCC 402



10. While hardship has been pleaded, the material placed does not justify conversion of a compassionate request into a mandamus to retain the Petitioner in Delhi. The Bank has recorded that the request was examined in terms of the policy guidelines and declined. A writ court does not re-evaluate the comparative administrative needs of two stations, staffing requirements, or the employer's assessment of rotational postings, unless a legal infirmity is established. The impugned communication may be brief, but it is not a case where the record demonstrates non-consideration, or consideration on irrelevant grounds, or a decision that is plainly arbitrary.

11. The Petitioner's conduct also bears mention. The transfer order is dated 8th June, 2024. The Petitioner has not joined at Mumbai and is stated to be on leave without pay. Service jurisprudence does not encourage a course where an employee declines to comply with a transfer and simultaneously seeks judicial interdiction. The Supreme Court has cautioned that an employee ought not to disobey a transfer order and, instead, should first comply and then pursue remedies in accordance with law.² This factor, while not determinative in every case, reinforces the conclusion that extraordinary relief is not warranted on the present pleadings.

12. The reliance placed on the proceedings before the Madras High Court in W.P. No. 28838/2024 does not advance the Petitioner's case. In any event, there is no stay operating against the Respondents in the present matter.

13. The discrimination argument premised on the alleged retention of another officer is not made out. The petition does not place the relevant

² *The Tamil Nadu Agricultural University & Anr. v R. Agila* SLP (C) No(s).13070-13075/2022



service particulars, transfer policy position, tenure profile, or the administrative reasons (if any) underlying the alleged retention of the comparator. In service law, Article 14 does not operate through incomplete comparators or on the basis of isolated outcomes. Even otherwise, a claim for parity cannot be founded on “negative equality”.

14. The result is that the petition discloses no ground that would justify interference under Article 226 with the transfer order dated 8th June, 2024 or the communication dated 8th December, 2025.

15. The petition is, accordingly, dismissed. Pending application(s), if any, also stand disposed of.

SANJEEV NARULA, J

JANUARY 21, 2026/ab