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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 128/2026, CM APPL. 15799/2026, CM APPL. 15800/2026, CM
APPL. 15801/2026, CM APPL. 15802/2026 & CM APPL. 15803/2026
SHAILESH KUMAR JHAAppellant

Through: Mr. Ashutosh Mishra and Mr. Chirayu
Bhatt, Advocates.

versus

PUNJAB NATIONAL BANK & ORS.

.....Respondent

Through: Mr. Rajesh Kumar Gautam, Mr. Anant
Gautam and Mr. Deepanjal
Chaoudhary, Advocates for PNB.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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16.03.2026

1. Heard Mr. Ashutosh Mishra, learned Counsel representing the Appellant and Mr. Rajesh Kumar Gautam, learned Counsel representing Respondent Nos. 1, 2 and 3.
2. This *intra court* Appeal seeks to challenge the order dated 11.12.2025 ("**Impugned Order**") passed by the learned Single Judge in W.P.(C) No. 18409/2025 ("**Writ Petition**"), whereby the Writ Petition instituted by the Appellant challenging the Transfer Order dated 11.11.2025 ("**Transfer Order**") has been dismissed.
3. The Appellant is working with the Respondent – Bank as Assistant General Manager (Scale V). He was transferred from the Extra Large Corporate Branch at Cannaught Place, New Delhi to Kishangarh, Rajasthan *vide* the Transfer Order. The Transfer Order was challenged by the Appellant



by instituting the Writ Petition primarily on two grounds, namely, (i) that the Transfer Order was against the Transfer Policy and Guidelines issued by the Respondent – Bank dated 28.02.2025, which was made effective with effect from 01.04.2025 and the direction issued by the Department of Financial Services, Ministry of Finance, Union of India *vide* its Circular dated 26.11.2024; and (ii) that the Transfer Order was passed on account of *mala fide* on the part of General Manager of the Respondent – Bank.

4. So far as the first ground taken by the Appellant before the learned Singel Judge is concerned, admittedly in the Transfer Policy and Guidelines dated 28.02.2025 it is clearly mentioned that the same will be applicable to the Officers of Scale I, II and III and, therefore, the said Transfer Policy and Guidelines are not applicable to the Appellant, who is a Scale V Officer.

5. As far as the alleged violation of the Circular dated 26.11.2024 issued by the Department of Financial Services, Ministry of Finance, Union of India is concerned, reliance has been placed by the learned Counsel for the Appellant upon Clause 3(b) of the said Circular which provides that the transfer timelines be clearly defined and strictly adhered to and further that the transfer exercises may be completed before June, every year. It further prescribes that mid-year transfers may be avoided as far as possible except in case of promotions and administrative exigencies.

6. The challenge to the Transfer Order in the instant case on the first ground, in our opinion, is not tenable, *firstly* for the reason that the Circular dated 26.11.2024 issued by the Department of Financial Services, Ministry of Finance, Union of India is only advisory and further that such guidelines or administrative circulars are not enforceable in a Court of law and *secondly*, even the said Clause 3(b) of the Circular dated 26.11.2024 states that



ordinarily mid-year transfers should not be resorted to, however, such restraint on mid-year transfers is subject to the condition that the same may be adhered to as far as possible. In our opinion, no defence can be taken on the basis of the said Clause 3(b) of the Circular dated 26.11.2024 in case the employer transfers the employee in administrative exigency or his / her services are needed elsewhere otherwise.

7. For the aforesaid reasons, the first ground urged by the learned Counsel for the Appellant challenging the Transfer Order is not acceptable and, in that regard, the finding recorded by the learned Single Judge needs not to be interfered with.

8. So far as the other ground of *mala fide* is concerned, the same is also not tenable for the reason that the only assertion made by the Appellant in relation to the *mala fide* is that his casual leaves were rejected by the concerned Officer of the Respondent – Bank and that the transfer of the Appellant has precipitated for the reason that he had filed a writ petition being W.P.(C) 87/2025 before this Court with a prayer to promote him to Scale VI. The said writ petition has, however, been dismissed by this Court by means of an order dated 08.01.2025 against which, a Letters Patent Appeal being LPA 130/2025 is said to be pending. Merely because a prayer for casual leave made by the Appellant had been rejected and also on account of the fact that he is agitating his right to be promoted to Scale VI, in our opinion, the same do not constitute *mala fide* to conclude that the Transfer Order is vitiated.

9. It is a settled law that any *mala fide* has not only to be pleaded but needs to be established as well and from the pleadings available on record, we are convinced that the Appellant has failed to establish the ground of *mala fide*.



10. For the reasons as aforesaid, we do not find any good ground to interfere with the Impugned Order passed by the learned Single Judge. The Appeal is thus dismissed. All pending Applications stand disposed of.

11. There shall be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MARCH 16, 2026

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