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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 4567/2026, CM APPL. 22258/2026 & CM APPL. 28220/2026

SURYA PRAKASH .....Petitioner

Through: Ms. Pallavi Awasthi and Ms. Vaibhavi Mittal, Advocates.

versus

INDIAN BANK & ORS. .....Respondents

Through: Mr. Rajesh Kumar Gautam, Mr. Deepanjal Choudhary, Ms. Likivi K. Jakhalu and Mr. Azal Aekram, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **28.04.2026**

1. The Petitioner joined the Respondent Bank in the officer cadre on 10th October, 2011. The service record placed before this Court shows that, before the events in question, he had served at different stations under FGMO Chandigarh, FGMO Prayagraj, and FGMO Delhi and was posted as Branch Manager, Dwarka Branch, on 16th June, 2025.

2. On 21st August, 2025, the Zonal Office issued a Letter of Explanation calling upon the Petitioner to explain underperformance in key business parameters and non-submission of field visit reports. The Petitioner replied on 27th August, 2025. The Bank's stand is that the reply was unsatisfactory. The Petitioner's own subsequent replies show that he attributed business de-growth to the withdrawal of a large institutional bulk deposit and clarified

that his reservations regarding "photo sharing" during customer visits were based on his personal professional ethics.

3. On 21st October, 2025, the Zonal Manager sought permission from the Field General Manager to place the Petitioner under suspension. That request expressly stated that the proposed suspension was being recommended "to set an example for all field functionaries who are not performing their duties diligently and are disobeying the directions". Permission was granted on the same date. On 22nd October, 2025, the Petitioner was placed under suspension under Regulation 12 of the Indian Bank Officer Employees' (Discipline and Appeal) Regulations, 1976, on the allegations of "wilful insubordination" and "wilful slowing down in work performance," pending further action.

4. After the suspension, explanation memos were issued on 20th and 21st November, 2025, and the Petitioner submitted a detailed rebuttal on 6th December, 2025. That reply categorically denied each allegation and raised procedural objections regarding the premature issuance of "Final Reminders" and the competence of the authority. These documents show that the explanatory exchange substantially followed, rather than preceded, the suspension order.

5. The matter then took a different turn. By communication dated 28th January, 2026, the Suspension Review Committee advised that the suspension may be revoked. Acting on that advice, the Zonal Manager revoked the suspension on 30th January, 2026. The revocation order, however, stated that it was "without any prejudice" to the Bank's right to proceed against the Petitioner, and directed him to report at Zonal Office, Delhi (South), as Senior Manager.

6. The revocation did not restore normalcy. On 2nd February, 2026, immediately upon reporting at Zonal Office, Delhi (South), the Petitioner was advised to report at Jamia Branch "on deputation till further instructions". Sixteen days later, on 18th February, 2026, a transfer order was issued posting him from Dwarka, Zonal Office, Delhi (South), to Zonal Office, Hubballi, Karnataka, as Senior Manager.

7. When the writ petition first came up, this Court, by order dated 7th April, 2026, recorded a *prima facie* opinion and directed that no precipitative action be taken pursuant to the transfer order.

8. In the counter affidavit, the Bank accepts that the suspension stood revoked on 30th January, 2026. However, the Bank has now issued a chargesheet dated 2nd April, 2026 to the Petitioner. The Bank further relies on Regulation 47 of the Indian Bank Officers' Service Regulations, 1979 and on the transfer policy effective from 1st April, 2025 to defend the transfer. It also states that the posting at Hubballi as Senior Manager is only an interim administrative arrangement and does not reduce the Petitioner in rank, seniority or emoluments.

Issues for determination

9. The controversy, in substance, gives rise to these questions:

i. Whether the challenge to the suspension order dated 22nd October, 2025 survives for adjudication after its revocation on 30th January, 2026, and, if not, what consequences must still follow from that order.

ii. Whether the transfer order dated 18th February, 2026 is a routine administrative transfer falling within the ordinary incidents of service, or whether, on the facts of this case, it bears a punitive colour that warrants interference in exercise of writ jurisdiction.

iii. Whether the Bank's service regulations and transfer policy justify the impugned action notwithstanding the Petitioner's incomplete branch tenure at Dwarka and the sequence of events immediately following revocation of suspension.

iv. What directions should follow with respect to the Petitioner's service record, the treatment of the suspension period, and the liberty of the Bank to pass a fresh order in accordance with law.

Analysis and findings

10**.** The law on transfer is well settled, and its starting point does not assist the Petitioner. A person holding a transferable post has no vested right to remain at one station. Courts do not sit in appeal over transfer orders. Interference is ordinarily confined to cases of *mala fides* or breach of a statutory prescription. That principle runs through ***Shilpi Bose (Mrs) v. State of Bihar,***[1] ***Union of India v. S.L. Abbas,***[2] and the later restatement of the same line in ***N.K. Singh v. Union of India***.[3] The Supreme Court has repeatedly said that non-observance of executive instructions, by itself, does not create a legally enforceable right, though such instructions are not therefore irrelevant in judging whether the administration has acted fairly and for the purpose it professes.

11. The law is equally clear that transfer cannot be used as a disguised penalty. If the transfer rests on grounds not germane to administrative deployment, or if it is passed by way of or in lieu of punishment, judicial review is attracted. In ***Somesh Tiwari v. Union of India,***[4] the Supreme

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[1] 1991 Supp (2) SCC 659
[2] (1993) 4 SCC 357
[3] (1994) 6 SCC 98
[4] (2009) 2 SCC 592

Court put the matter in plain terms: an employer may transfer in administrative exigencies, but it is a different matter altogether where the order is passed "by way of or in lieu of punishment". Such an order is liable to be set aside.

12. The law on suspension also begins from a position favourable to the employer. Suspension is not, by itself, a punishment. It is an interim measure. The employer is ordinarily entitled to keep a delinquent employee away from the workplace while contemplated proceedings, inquiry or investigation remain pending. At the same time, the Supreme Court has repeatedly cautioned that suspension is not to be made in a perfunctory fashion. Judicial review remains limited, but it is available where the action is *mala fide*, vindictive, baseless, or unsupported even by *prima facie* material, and also where the authority keeps the employee under indefinite cloud without moving the matter forward with reasonable expedition.

13. The service framework within the Bank reflects those same themes. Regulation 12 of the Indian Bank Officer Employees' (Discipline & Appeal) Regulations, 1976 permits suspension where disciplinary proceedings are contemplated or pending. Regulation 6 contemplates that, where major penalty proceedings are pursued, definite and distinct charges together with statement of allegations, list of documents and witnesses must be communicated in writing to the officer employee. Regulation 15 then governs the pay consequences of suspension and provides, among other things, that where the competent authority holds the suspension unjustifiable, full pay and allowances are to follow and the period is to be treated as duty.

14. On transfer, Regulation 47 of the Bank of India (Officers') Service

Regulations, 1979 makes every officer liable to be posted anywhere in India. The Bank's transfer policy, effective from 1st April, 2025, also proceeds on that basis. However, the policy does not stop there. It records a normal tenure of three years at a place of posting. It also states that mid-term transfers shall be considered only in cases of specific and administrative exigencies. Further, the internal SOP dated 13th May, 2025 states that Branch Managers shall normally have a tenure of three years in a branch and should not be transferred before completion of that tenure except for valid reasons. The same SOP also says that long deputations should be avoided and, where longer deployment is needed, transfer should be effected instead. The transfer policy preserves the Bank's power under Regulation 47 to transfer officers at any time for exigency or administrative requirement.

15. The Bank is therefore right in one limited aspect. The Petitioner could not insist on continuing at Delhi merely because he preferred to remain there. Nor can the SOP or the transfer policy be read so as to extinguish the statutory breadth of Regulation 47. To that extent, the grounds in the writ petition that proceed as though any all-India transfer was impermissible must fail.

16. This, however, does not conclude the matter. The question here is not whether the Bank had power to transfer. It certainly did. The question is whether this transfer, in the circumstances discussed above, can genuinely be accepted as an ordinary administrative deployment. On that question, the record raises serious concern.

17. First, the suspension recommendation dated 21st October, 2025 does not read like a neutral administrative note. It says, in terms, that suspension is being recommended "to set an example" for field functionaries said to be

underperforming or disobeying directions. That is not the language of a narrowly tailored preventive measure intended to secure an inquiry. It reads much closer to exemplary correction than to interim protection of the process.

18. Second, while suspension need not be preceded by a full inquiry, the materials placed do not show any meaningful disciplinary follow-through for several months after the drastic step was taken. While the Bank pleads that a chargesheet has now been issued on 2nd April, 2026, this occurred more than five months after the initial suspension and two months after its revocation. During the intervening period, the matter remained in a state of 'contemplation' rather than institution. That prolonged uncertainty matters because suspension, though not punitive in form, does carry real service consequences and stigma.

19. The events following revocation of suspension occurred in such close succession and with such immediacy and continuity that they *prima facie* indicate a connected course of action rather than independent administrative decisions. The Petitioner resumed service on 30th January, 2026. He was then sent on deputation on 2nd February, 2026. Sixteen days later, he was transferred to Hubballi as Senior Manager. This was not a transfer issued as part of the annual May-June exercise. Nor was it preceded by any disclosed material showing branch-wise surplus, vacancy balancing, special project need, or any other specific administrative trigger of the kind ordinarily expected when the employer invokes “administrative exigency”.

20. Fourth, the Petitioner had not completed three years as Branch Manager at Dwarka. He had been posted there on 16th June, 2025. The SOP states that Branch Managers should normally have a tenure of three years

and should not be shifted before then except for valid reasons. The Bank is correct that this SOP cannot defeat Regulation 47. However, it remains the Bank's own declared norm. Once the impugned action departs from it, the Bank must at least disclose some valid administrative reason. In the present record, no such reason is forthcoming beyond broad invocations of exigency and the backdrop of allegations of insubordination. That background is precisely what makes the transfer suspect.

21. Fifth, the Bank's own counter links the transfer to the "peculiar facts and circumstances" of this case, including the allegation that the Petitioner had misbehaved with the Zonal Manager. That pleading weakens, rather than strengthens, the argument that the transfer was a clean and routine incidence of service. If the transfer is defended by reference to the very misconduct allegations that remain untested in disciplinary proceedings, the colour of the order shifts. It begins to look less like deployment and more like displacement in response to alleged misconduct. That is precisely the area in which ***Somesh Tiwari*** permits judicial review.

22. At the same time, this Court is unable to accept every limb of the Petitioner's case. The argument that the suspension was void merely because no pre-decisional hearing was granted cannot be accepted in such absolute terms. The law does not require a full prior hearing before every order of suspension. Nor does the material support the plea that the Zonal Manager was wholly lacking in competence. The Bank has placed on record both the permission sought from the Field General Manager and its stand that the Zonal Manager was the competent authority, with higher approval obtained "for good order". On the present record, it would not be correct to strike down the entire suspension episode on competence alone.

23. The real vice lies elsewhere. The Bank took a serious step on 22nd October, 2025. It then stepped back from that position on 30th January, 2026 after review, without showing that the disciplinary process had meaningfully advanced. Immediately thereafter, it placed the Petitioner on deputation and then sent him out of the zone to Hubballi as Senior Manager. The chain is too close, too sequential and insufficiently explained to inspire confidence that the transfer was wholly disentangled from the suspension controversy. This Court is therefore not dealing here with a simple case of transfer of a transferable employee. This Court is dealing with a transfer that appears to have been shaped, at least in substantial measure, by unresolved misconduct allegations and by the administrative handling of those allegations. That is enough to justify limited interference.

24. It must be emphasised that the Bank must remain free to deploy its officers according to institutional need. But it must do so through an order that stands on its own administrative footing and does not appear to be carrying forward the residue of a revoked suspension. The impugned transfer order cannot be sustained for that reason.

25. As regards the suspension order itself, that challenge has, in a formal sense, become infructuous because the order no longer operates. Still, its consequences have not vanished. A revoked suspension cannot be left to cast an indefinite shadow over service record and career progression while the employer keeps disciplinary action in a suspended state of contemplation. Regulation 15 specifically contemplates a decision on the treatment of suspension period and makes full pay payable where suspension is held unjustifiable. On the material presently before this Court, that decision cannot be left open-ended.

26. This Court is also not persuaded that compensation or damages should be awarded in writ jurisdiction on the present record. The case does justify corrective public law relief. It does not, at this stage, justify a monetary award of damages.

27. In view of the above discussion, the writ petition is partly allowed in the following terms:

27.1. The transfer order dated 18th February, 2026 posting the Petitioner to ZO Hubballi, as Senior Manager, together with all consequential relieving and posting directions flowing from that order, is set aside.

27.2. It is clarified that the Respondent Bank remains at liberty to pass a fresh order of posting or transfer in respect of the Petitioner, if administrative requirements so warrant. Any such order shall be passed by the competent authority, on an independent assessment, and shall not be founded upon, or appear to be founded upon, the unresolved allegations that formed the basis of the suspension dated 22nd October, 2025 unless those allegations are first carried into duly instituted disciplinary proceedings in accordance with the applicable regulations.

27.3. The challenge to the suspension order dated 22nd October, 2025 is rendered infructuous in view of the revocation order dated 30th January, 2026. Even so, the Respondents shall ensure that the revoked suspension does not continue to operate to the Petitioner's prejudice in service records, posting profile, promotional consideration, or any allied matter unless the pending disciplinary proceedings result in a formal finding of guilt.

27.4. Considering the fact that a Charge Sheet has now been served, the treatment of the suspension period and differential pay shall be subject to the outcome of the disciplinary proceedings.

27.5. No order is made for damages or compensation.

28. Before parting, this Court notes that this is the second matter of a similar nature involving the same Respondent Bank. The recurrence of such cases, where transfers closely follow allegations of misconduct and give rise to an impression of punitive intent, is a matter of concern. Transfer, particularly to a distant station, carries significant personal and familial consequences and ought not to be resorted to merely on account of a transient discord or dissatisfaction. While the Bank is entitled to enforce discipline and effect transfers in accordance with its requirements, it must ensure that transfers are not used as a substitute for, or continuation of, disciplinary action without due process. The Bank would be well advised to structure its actions so as to avoid such situations in future.

29. Accordingly, the present petition is disposed of along with pending application(s).

SANJEEV NARULA, J

APRIL 28, 2026/*hc*