
(2021) 02 SHI CK 0244
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 677 Of 2021

Narayan Singh

APPELLANT

Vs

Deputy General Manager, State Bank Of India And Others

RESPONDENT

Date of Decision : 23-02-2021

Acts Referred:

Citation : (2021) 02 SHI CK 0244

Hon'ble Judges : L. Narayana Swamy, CJ; Ravi Malimath, J

Bench : Division Bench

Advocate : D.S. Kainthla, Arvind Sharma

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. The petitioner is an Armed Guard/Security Guard and has served in hard area with the respondent-Bank and has completed five years of tenure.

As per Transfer Policy of the respondent-Bank, Annexure P-2, he is entitled for transfer to a place of his choice, but without affording him an

opportunity to express his place of choice, he has been transferred vide order dated 30th October, 2020 to Kumarsain Branch in Rampur. Though this

transfer has been made in the month of October, 2020, but he has not been relieved.

2. It is submitted by learned counsel for the petitioner that as per Transfer Policy of Bank, after completion of five years of tenure, he is entitled to

express place of his choices and without giving him an opportunity to express his choice unilaterally, impugned transfer order dated 30th October, 2020

has been passed by the respondent-Bank. The petitioner has made a representation to the respondent- Bank on 23rd November, 2020 for cancellation

of his transfer, but the same has not been redressed by the respondent-Bank. Hence, he has filed the present writ petition for quashing and setting

aside the impugned order dated 30th October, 2020 and also permitting him to express his place of choice with a further direction to the respondent-

Bank to transfer him to the place of his choice.

3. The learned counsel for the respondent-Bank, on the other hand, submits that as per Transfer Policy, it is the prerogative of the Bank to transfer an

employee, however, this policy further provides to give a place of his choice for the purpose of consideration of transfer. Though, he has been

transferred vide impugned order dated 30th October, 2020, but he has not been relieved till date. Under these circumstances, the representation dated

23.11.2020 pending consideration has to be considered.

4. We have heard learned counsel for both the parties.

5. It is not in dispute that the petitioner has completed his tenure of five years of service in the hardest area and has attained the age of 55 years.

When a policy of the Bank covering the field permits an employee to express his place of choice for the purpose of transfer, it is to be understood that

the transfer has to be effected by considering the representation to the place of his choice, but without permitting the petitioner to express his place of

choice, he has been transferred vide impugned order dated 30th October, 2020, though he has not been relieved so far. Under these circumstances,

we feel it just and appropriate to direct the respondent-Bank to consider the pending representation of the petitioner and pass appropriate orders within

four weeks from today thereon as per the Transfer Policy. Till then, the petitioner may not be relieved from the present place of posting.

6. With the above observations, the writ petition is disposed of. Pending application(s), if any, shall also stand disposed of.