

(2004) 04 OHC CK 0020
In the Orissa High Court
Case No : Writ Petition (C) No. 7516 of 2003

Pramod Kumar Mohanty

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 05-04-2004

Acts Referred:

State Bank of India (Officers Service) Rules, 1992 — Rule 47

Citation : (2004) 97 CLT 569 : (2004) 3 LLJ 792 : (2004) 1 OLR 601

Hon'ble Judges : Pradip Mohanty, J;P.K. Mohanty, J

Bench : Division Bench

Advocate : S.L. Patnaik, Central, for the Appellant; P.V. Ramdas and P.V. Balakrishna, for the Respondent

Final Decision : Dismissed

Judgement

Pradip Mohanty, J.—The petitioner has challenged the order of his transfer dated 18.7.2003, whereby he has been transferred from Bhubaneswar to Salepur ADB, alleging that the same is arbitrary and mala fide. According to the petitioner, the impugned order has been passed in total violation of the specific direction issued by this Court by order dated .27.3.2002 to the effect that Rule 47 of the SBI Officers' Service Rules and the transfer policy of the Bank should be applied to all the officers including the office bearers of the Association uniformly and there should be no discrimination.

2. This is the second round of approach of the petitioner to this Court. Earlier, he filed O.J.C. No. 7862 of 2001 when he was transferred from Bhubaneswar to Nayagarh. The said writ petition was, however, dismissed with certain observations. Thereafter, without relieving the petitioner to enable him to join at Nayagarh, his services were placed at the Bhubaneswar Zonal Office where he was not assigned any work. All on a sudden, he received the impugned order transferring him to Salepur, which, according to the petitioner, is illegal and in violation of the provisions of Rule 47 of the SBI officers' Service Rules. The specific plea of the petitioner is that the impugned order suffers from the vices of

being discriminatory and mala fide.

3. Opposite parties 2 to 8 have filed a counter affidavit, wherein they have stated that the impugned order of transfer is a routine one. The petitioner had worked at Bhubaneswar right from 1996. In 2001, when he was transferred to Nayagarh, he filed a writ petition being O.J.C. No. 7862 of 2001. It is only after dismissal of the said writ petition that the petitioner has been transferred to Salepur. It has also been stated that for the most of his career, the petitioner has worked in Bhubaneswar and its periphery. These opposite parties have stoutly denied the allegations of arbitrariness, discrimination and mala fide in the impugned order of transfer.

4. Learned counsel for the petitioner seriously urged that discriminatory treatment has been shown to the petitioner inasmuch as though other officers similarly situated have been permitted to remain in their respective places of posting, the petitioner has been repeatedly transferred. He also urged that the successive transfers of the petitioner, i.e., from Bhubaneswar to Nayagarh and again from Bhubaneswar to Salepur, are bad in law.

5. On the contrary, learned counsel for opposite parties 2 to 8 submitted that all the officers are liable for transfer since their service itself is transferable. Therefore, it cannot be said that a particular order is discriminatory and flooded with mala fide. Learned counsel for these opposite parties also submitted that the petitioner wants to remain at Bhubaneswar at any cost, which is not permissible. For this reason, whenever he has been transferred from Bhubaneswar, he has filed cases before this Court.

6. Rule 47 of the SBI Officers' Service Rules provides for transfer, which reads as under:

"47. Every officer is liable for transfer to any office or branch of the Bank or to any place or deputation to any other organization in India."

Thus, every officer is liable for transfer to any office or branch of the Bank or to any place or deputation to any other organization in India. In the instant case, the petitioner remained in Bhubaneswar for a total period of seven years when he was transferred to Salepur. This, in our opinion, cannot be said to be illegal or arbitrary. Considering the facts and circumstances of the case, we do not see any justification to interfere with the impugned order of transfer.

7. For the foregoing discussions, we do not find any merit in this writ petition, which is accordingly dismissed. We would rather direct the Bank to ensure that Rule 47 of the aforesaid Rules and the norms of transfer are applied to one and all uniformly. Be that as it may, if the petitioner is still continuing at Bhubaneswar, he may be allowed to so continue till the end of April, 2004, i.e., the end of the current academic session, immediately whereafter he shall be relieved. There will be no order as to costs:

P.K. Mohanty, J.

8. I agree