

**(2022) 05 SHI CK 0095**

**In the High Court Of Himachal Pradesh**

**Case No : Civil Writ Petition No. 3353 Of 2022**

Shyam Singh

APPELLANT

Vs

H.P. State Cooperative Bank Ltd And Others

RESPONDENT

**Date of Decision : 30-05-2022**

**Acts Referred:**

**Citation : (2022) 05 SHI CK 0095**

**Hon'ble Judges : Tarlok Singh Chauhan, J;Chander Bhusan Barowalia, J**

**Bench : Division Bench**

**Advocate : Mehar Chand Thakur, Sushant Vir Singh Thakur**

**Final Decision : Dismissed**

## Judgement

Tarlok Singh Chauhan, J

1. Aggrieved by the order of transfer, the petitioner has filed the instant petition for the grant of following substantive reliefs:-

- a. That writ of certiorari may kindly be issued and transfer order of petitioner dated 30.4.2022 (annexure P-2) may kindly be quashed and set aside qua him.
- b. That Writ of mandamus may kindly be issued to respondents, directing therein to allow the petitioner to complete his normal tenure at present place of posting.
- c. That respondent may kindly be directed to consider the case of the petitioner for his adjustment against vacant post in District Shimla, keeping in view the fact that the petitioner has already served in the hard/difficult area.

2. As per the pleaded case of the petitioner, he has completed two years and five months of service at the present place of posting, as on the date of issuance of transfer order dated 30.04.2022. Therefore, there is no impediment for his transfer, however, learned counsel for the petitioner would rely upon the Transfer Policy, wherein in clause 5, it has specifically been mentioned that normal stay of an employee in one Branch/District Office/Head Office shall be three years. He

would also rely on clause 16 of the policy which lays down that to curtail unnecessary expenditure of Banks etc., frequent transfers shall not be done and only those employees shall be transferred, who have completed their normal tenure and such transfer(s) should be considered in the month of May.

3. It needs as reiteration that the minimum tenure of service provided in the transfer policy is only by way of guidelines and the same cannot be calculated with mathematical precision.

4. That apart, as per clause 14 of the Transfer Policy, the management of the Bank shall have absolute right to transfer any Officer/Official to any Branch/District Office/Head Office/Sections of the Bank at any time during the year and on administrative grounds in the interest of institution.

5. Noticeably, it is not even the case of the petitioner that orders of transfer is on the basis of malafidies or for any other extraneous consideration.

6. Once that be so, obviously, the power of judicial review in such matters is extremely limited. Since the petitioner has by now completed more than 2 years and 6 months at the given station, therefore, we see no reasons to interfere with the impugned transfer order.

6. Consequently, there is no merit in the instant petition and the same is accordingly dismissed. So also, the pending application(s), if any.