

(2012) 07 DEL CK 0535

In the Delhi High Court

Case No : Writ Petition (C) 4083 of 2012 and CM. No. 8544 of 2012

Suresh Puri

APPELLANT

Vs

State Bank of Travancore and Another

RESPONDENT

Date of Decision : 17-07-2012

Acts Referred:

Citation : (2012) 07 DEL CK 0535

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Ravikesh K. Singh, for the Appellant;

Final Decision : Disposed Off

Judgement

Suresh Kait, J.—Vide the instant petition, petitioner is aggrieved by the transfer order dated 29.03.2012 whereby he has been transferred from Sector 18, Gurgaon, to Irinjalakuda in Kerala State. Ld. Counsel for the petitioner submits that petitioner made various representations to the Bank, however, there is no response from them and finally directed the petitioner to join at the place mentioned above.

2. Ld. Counsel for the petitioner has drawn the attention of this Court to the Circular issued on 17.05.2012 for review of the transfer order dated 29.03.2012. However, the case of the petitioner has not been considered.

3. Petitioner requested the General Manager (Operations) of the respondent Bank for giving him posting at Manesar or to be opened branches at places like Bhiwadi and others, as the father of the petitioner, who is 81 years of age suffering from Parkinson has gone into depression after knowing that the petitioner has to join at a distant place.

4. Vide the instant petition, petitioner has stated that there is no else other than the petitioner to look after his old and ailing father. Therefore, petitioner made a request to the respondent Bank in the letter dated 25.05.2012 to keep him in the

NCR region, so that apart from discharging his duties, petitioner may be of help of his old and ailing father, who requires his presence in Delhi.

5. Ld. Counsel for the petitioner has drawn the attention of this Court to the Annexure 11, i.e. Certificate issued by Department of Neurosciences, All India Institute of Medical Sciences, which is as under:-

This is to certify that Mr. B.R. Puri (OPD No. 385/07) is suffering from advanced Parkinson's disease for the last 7 years. He is dependent for his activities of daily needs. He needs one person with him to look after him all the time and requires regular follow up at the hospital.

6. The Division Bench of this Court has already held in Union of India and Others Vs. S.L. Abbas, that a policy guideline regulating transfer of employees does not create any enforceable legal right in favour of an employee. It being settled law that transfer and posting is an incident of service and it is upto the respondent to decide where the employee should be deputed. Of course, where malice is proved, a Court can interdict a transfer posting order.

7. Courts normally should not interfere into day-to-day transfer and posting. However, the case of the petitioner has not been considered on the grounds mentioned in the representation.

8. Therefore, I direct the respondent bank to consider his case sympathetically and, if possible, he may be posted in Northern Region.

9. Instant petition is disposed of in the above terms. In view of the above, CM. No. 8544/2012 (Stay) become infructuous and disposed of as such.

Dasti.