

(2025) 11 MP CK 1916

In the Madhya Pradesh High Court, Indore Bench

Case No : Writ Petition No.25567 Of 2025

Vishal Bamoriya

APPELLANT

Vs

Punjab And Sind Bank And Others

RESPONDENT

Date of Decision : 27-11-2025

Acts Referred:

Constitution Of India, 1950 — Article 226

Punjab And Sind Bank (Officers') Service Regulations, 1982 — Regulation 47, 48

Citation : (2025) 11 MP CK 1916

Hon'ble Judges : Jai Kumar Pillai, J

Bench : Single Bench

Advocate : Vishal Baheti, Poorva Mahajan, Devaasheesh Dubey

Final Decision : Dismissed

Judgement

Jai Kumar Pillai, J

1. The petitioner has approached this Court under Article 226 of the Constitution of India seeking quashment of the transfer order dated 19/06/2025 whereby he has been transferred from the A.B. Road Branch, Indore to the Satna Branch of the respondent Bank.

2. It is the case of the petitioner that he is currently employed as a Branch Officer at the A.B. Road Branch, Indore. Petitioner asserts that he has performed his duties with sincerity and dedication throughout his service tenure.

3. It has been contended by the petitioner that the petitioner has undergone several transfers within a short span of two years. He was moved from Choba Pipaliya Branch, Dewas to Double Chowki, Indore (Temporary) on 26/09/2023 and the said posting was made regular on 29/06/2024. He was transferred again to A.B. Road Branch, Indore on 01/02/2025 and thereafter again vide present impugned order dated 19/06/2025 transferring him to Satna Branch (Code 60331) from A.B. Road Branch, Indore.

4. It is further the petitioner's case that he had submitted a detailed complaint dated 29/04/2025 against respondent No. 3 alleging persistent harassment, workplace hostility, caste-based insults and defamatory remarks directed even towards his family members. He contends that this complaint highlighted grave issues affecting his dignity and psychological well-being, yet the respondent authorities neither acknowledged nor acted upon it.

5. After issuance of the transfer order, the petitioner submitted a detailed representation on 26/06/2025, requesting reconsideration on humanitarian grounds and highlighting both his complaint and medical difficulties. He followed up with emails, however, no response was furnished by the authorities. Being aggrieved by such non-consideration, he has filed the present writ petition.

6. The learned senior counsel for the petitioner contends that the transfer order dated 19/06/2025 is arbitrary, unjust, and passed in violation of principles of natural justice. It is submitted that the authorities ignored his complaint dated 29/04/2025, which contained serious allegations of harassment and caste-based discrimination. According to the petitioner, no inquiry was caused into the complaint, nor was he granted a fair hearing before the impugned transfer was effected.

7. It is further submitted by the learned senior counsel for petitioner that during the pendency of such a grave complaint, transferring the complainant employee rather than initiating an impartial investigation has been frowned upon by Courts, as it defeats the very purpose of grievance redressal. The petitioner asserts that the transfer is not in the nature of routine administrative movement but a subtle act of retaliation aimed at silencing him.

8. The petitioner also emphasizes the critical medical condition of his wife, who is six months pregnant and under high-risk medical supervision in Indore. He submits that given her medical history of miscarriages and the need for specialized and localized treatment, shifting him to Satna would emotionally and physically burden the family. The petitioner asserts that Satna lacks equivalent medical facilities to safeguard the sensitive pregnancy.

9. The petitioner contends that he is himself undergoing psychiatric treatment necessitating stability and family support and therefore the transfer is harsh and unreasonable. He asserts that this aspect has been completely ignored by the respondents / Bank.

10. The petitioner further argues that repeated transfers within two years without completion of tenure are indicative of mala fide intent and administrative arbitrariness. It is contended that the respondents failed to act on his representation dated 26/06/2025, thereby violating the principles of fairness and transparency that governs public administration.

11. Per contra, learned counsel for the respondents/Bank submits that the writ petition is wholly devoid of merit and is an attempt by the petitioner to resist a

lawful administrative transfer by projecting it as an act of victimization. It is vehemently submitted that the transfer is a routine intra-zone transfer effected strictly in accordance with the Bank's Transfer Policy for the year 2025-26 and the Punjab and Sind Bank (Officers') Service Regulations, 1982.

12. The respondents further argue that the petitioner has served at branches in very close proximity to Indore namely Daulatganj, Ujjain, Choba Pipaliya, (Dewas), Double Chowki, Indore and A.B. Road, Indore and has remained around his home place for the past six years. It is further submitted by learned counsel for the respondents/Bank that at no point earlier did the petitioner object to these transfers; hence the current objection is merely borne out of reluctance to move to Satna, which lies within the same Bhopal Zone.

13. It is contended that allegations of mala fide are baseless and unsubstantiated, particularly since respondent No.3 has not been impleaded in his personal capacity, which is a necessary requirement in law for sustaining a plea of mala fides. The respondents assert that the transfer is not punitive, and the petitioner retains his cadre, pay, and service status.

14. The learned counsel for the respondents/Bank placed strong reliance on the settled legal position that Courts ordinarily do not interfere with transfer orders. They cited judgments of the Hon'ble Supreme Court, notably *Rajendra Singh v. State of U.P.*, (2009) 15 SCC 178, where the Court reiterated that a government servant has no vested right to remain at one place and that transfer is an essential administrative tool. Similarly, in the case of *State of U.P. v. Gobardhan Lal*, (2004) 11 SCC 402, the Supreme Court held that interference is warranted only in cases of mala fide or statutory violation.

15. The respondents further relied on *Shilpi Bose v. State of Bihar*, AIR 1991 SC 532, wherein it was held that Courts should not routinely interfere with transfer orders, as doing so would create administrative chaos. Reference is also made to *N.K. Singh v. Union of India*, (1994) 6 SCC 98, wherein the Court observed that judicial review in transfer matters is exceedingly limited and restricted to jurisdictional errors or mala fide, neither of which exists in the present case.

16. Having heard both parties at length and examined the entire record available.

17. This Court observes that the Chapter X of the Punjab and Sind Bank (Officers) Service Regulations, 1982 comprehensively governs the transferability of Officers and leaves no ambiguity regarding the authority of the Bank in matters of posting and relocation, which reads as follows-

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

48. Every officer shall be available for Bank's duties at any time of the day.

49. JOINING TIME ON TRANSFER

(1) An officer shall be eligible for joining time on one occasion and not exceeding

seven days, exclusive of the number of days spent on travel, to enable him - .a) to join a new post to which he is appointed while on duty in his old post.orb) to join a new post on return from leave.

(2) During the joining time an officer shall be: eligible to draw the emoluments as applicable to the place of transfer.

(3) In calculating the joining time admissible to an officer, the day on which he is relieved from his old post shall be excluded, but public holidays following the day of his relief shall not be included in computing the joining time.

(4) No joining time shall be admissible to an officer when the transfer does not involve posting to a different place.

(5) No joining time will be admissible to an officer when his posting is of a temporary nature, irrespective of the fact that the posting is to a place or station other than the one at which he is permanently posted.”

18. Moreover, This Court notes that the Punjab and Sind Bank Transfer Policy for Officers for the financial year 2025–2026 supplements the statutory Regulations by providing operational guidelines for implementing transfers, which reads as follows :-

“17. GUIDELINES ON INTRA-ZONE TRANSFER :

a) The Zonal Manager shall transfer an officer within the zone on completion of 3 years of service at one branch. Officers doing rural service will become eligible for rotation on completion of 2 years of rural service, subject to availability of vacancies.

b) A seniority list of officers who have not done the rural service so far shall maintained at the zonal office level.

c) By April/May end, the HO HRD Department shall publish the list of transfers to be effected out of different zones. Based on this, each zone should identify the surplus and deficit in the zone and release the list of transfers to be effected within the zone by May/June.

d) Transfer of officers shall be effected based on the manpower requirement of each branch/office.

18. TIMELINES FOR TRANSFER-

a) All transfers shall take place in the first quarter of the financial year, i.e. from 1" April to 30th June of every year as far as possible, taking into consideration academic session and other relevant factors. Mid-year transfers may be avoided as far as possible except in case of promotions and administrative exigencies.

b) Transfer exercises may be completed before June, every year, However, in emergent circumstances, if transfers have to be effected between 1stJuly and 31stMarch, the same shall be approved by a committee of 3 GM's, headed by GM

(HRD) The said committee is to be constituted by MD & CEO (ED-HR in case the post of MD & CEO is vacant).

c) Transfer of officers after June, even on administrative exigencies, except on promotion, shall require the GM committee's approval except under the following circumstances:

i. Transfers for manning new branches.

ii. Transfer for filling up vacancies arising out on account of death/ retirement/ voluntary retirement/resignation/abandonment of employment.

iii. Transfers necessitated as a consequence of initiation of disciplinary proceedings and

iv. Transfer on the ground of marriage of employees in the course of the year with the intent of keeping spouses together.

19. GRIEVANCES RELATED TO TRANSFER OF OFFICERS:

Grievances related to transfer, received from employees citing violation of transfer policies shall be dealt in a considerate manner and be suitably responded within 10 days from the date of submission of grievance in HRMS, a detailed deliberation and duly recorded reasons. Authority to address the grievance shall be the Competent Authority for transfer.

In case the employee is not satisfied with the response resolution provided, he/ she may submit appeal against the same which shall be addressed as follows:

a) Intra-Zone Transfers by ZM (Zones under FGM office) : committee constituted by the FGM shall review the appeal. The committee will consist of FGM and any committee two ZMs under his jurisdiction, excluding the ZM who was the competent authority of said transfer.

b) Intra-Zone Transfers by ZM (Zones not covered under FGM office) and Inter-Zone transfer by FGM: The appeal shall be reviewed by a committee of three GMs, including GM (HRD) as chairperson constituted by Executive Director (HR).

c) Inter-Zone transfer by GM (HRD): The appeal shall be reviewed by a committee of three GMs (excluding GM (HRD)) constituted by Executive Director (HR).

The appeal shall be disposed within 15 days from the date of submission of appeal in HRMS, after detailed deliberations and duly recorded reasons."

19. This Court highlights with significance the presence of a non obstante clause at page 22 of the policy, which reads as follows:-

"Notwithstanding what is stated in the guidelines given herein above, Bank at its own discretion may post/transfer/continue at any branch/controlling office, any officer, at any time even by exempting him/her from mandatory Rural/Semi-

Urban service or other guidelines, irrespective of period of stay there, as per the administrative/business needs of the Bank or any other reason considered valid by the Bank in its own discretion/opinion.”

20. This clause is of decisive importance because it explicitly states that despite the guidelines, the Bank retains full discretion to transfer any Officer at any time for administrative or business requirements. This clause clarifies that the policy is not intended to limit the Bank’s statutory power of transfer but merely to guide internal administration.

21. This Court is of the firm view that the governing statutory framework, namely Punjab and Sind Bank (Officers’) Service Regulations, 1982, establishes that transfer is an inherent condition of service. The language of Regulation 47 is absolute and leaves no room for exceptions based on personal convenience or preference of the employee. Also Regulation 48 reinforces this obligation by mandating availability for duties at any time. Thus, these provisions operate as binding service conditions and have overriding effect over internal administrative guidelines.

22. The Transfer Policy of 2025–2026, provides procedural guidelines and timelines designed to facilitate smooth administration and ensure transparency. However, the repeated use of expressions such as “as far as possible” and “subject to availability of vacancies” clearly establishes that the guidelines are flexible and not rigid mandates. They are intended to structure administrative decision-making but not to curtail the Bank’s statutory authority.

23. The most significant feature of the policy is the non obstante clause cited above, which expressly declares that the Bank may transfer any officer at any time, even by exempting him/her from the guidelines, based on administrative or business needs. This clause unequivocally affirms that the guidelines are not binding but purely discretionary and that the Bank’s power under the Service Regulations remains unfettered.

24. In light of the statutory provisions, the contents of the Transfer Policy, and particularly the overriding non obstante clause, this Court holds that an officer cannot claim any enforceable right to remain in a particular posting or to demand strict adherence to the internal guidelines. The ultimate authority to transfer rests solely with the Bank, and the guidelines have no mandatory force. The Bank is legally empowered to transfer any officer at any time in the interest of administrative efficiency, organizational requirements, business needs, or any other reason if considers valid.

25. In this context, this Court finds it appropriate to cite the landmark judgment of the Hon’ble Apex Court in *Sri Pubi Lombi v. State of Arunachal Pradesh & Ors.*, Civil Appeal No. 4129 of 2024 decided on 13/03/2024 which reads as follows:-

"9. In the case of *Union of India and others Vs. S.L. Abbas*; (1993) 4 SCC 357, it is clearly observed by this Court that the scope of judicial review is only available

when there is a clear violation of statutory provision or the transfer is persuaded by malafide, non-observation of executive instructions does not confer a legally enforceable right to an employee holding a transferable post. The relevant paragraph reads as under:

"7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject....."

9.1 Further, following the footsteps of S.L. Abbas (supra) this Court in the case of Union of India and another Vs. N.P. Thomas; 1993 Supp (1) SCC 704 held that the interference by the Court in an order of transfer on the instance of an employee holding a transferrable post without any violation of statutory provision is not permissible.

9.2 This Court further curtailed the scope of judicial review in the case of N.K. Singh Vs. Union of India and others; (1994) 6 SCC 98 holding that the person challenging the transfer ought to prove on facts that such transfer is prejudicial to public interest. It was further reiterated that interference is only justified in a case of mala-fide or infraction of any professed norm or principle. Moreover, in the cases where the career prospects of a person challenging transfer remain unaffected and no detriment is caused, interference to the transfer must be eschewed. It is further held that the evidence requires to prove such transfer is prejudicial and in absence thereof interference is not warranted. The law reiterated by this Court is reproduced, in following words : -

9. Transfer of a public servant from a significant post can be prejudicial to public interest only if the transfer was avoidable and the successor is not suitable for the post. Suitability is a matter for objective assessment by the hierarchical superiors in administration. To introduce and rely on the element of prejudice to public interest as a vitiating factor of the transfer of a public servant, it must be first pleaded and proved that the replacement was by a person not suitable for the important post and the transfer was avoidable. Unless this is pleaded and proved at the threshold, no further inquiry into this aspect is necessary and its absence is sufficient to exclude this factor from consideration as a vitiating element in the impugned transfer. Accordingly, this aspect requires consideration at the outset.

23. Unless the decision is vitiated by mala fides or infraction of any professed norm or principle governing the transfer, which alone can be scrutinized judicially, there are no judicially manageable standards for scrutinizing all transfers and the courts lack the necessary expertise for personnel management of all government departments. This must be left, in public interest, to the departmental heads subject to the limited judicial scrutiny indicated.

24. Challenge in courts of a transfer when the career prospects remain

unaffected and there is no detriment to the government servant must be eschewed and interference by courts should be rare, only when a judicially manageable and permissible ground is made out. This litigation was ill advised.

9.4 It is not tangential to mention that this Court in the case of State of Punjab Vs. Joginder Singh Dhatt; AIR 1993 SC 2486 observed as thus : -

3. It is entirely for the employer to decide when, where and at what point of time a public servant is transferred from his present posting.....

9.5 It is also imperative to refer the judgement of this Court in the case of Ratnagiri Gas and Power Private Limited Vs. RDS Projects Limited and Ors.; (2013) 1 SCC 524 where it reiterated one of the pertinent principles of administrative law is that when allegations of mala-fide are made, the persons against whom the same are levelled need to be impleaded as parties to the proceedings to enable them to answer. The relevant excerpt is reproduced as thus:

27. There is yet another aspect which cannot be ignored. As and when allegations of mala fides are made, the persons against whom the same are levelled need to be impleaded as parties to the proceedings to enable them to answer the charge. In the absence of the person concerned as a party in his/her individual capacity it will neither be fair nor proper to record a finding that malice in fact had vitiated the action taken by the authority concerned.....

10. In view of the foregoing enunciation of law by judicial decisions of this Court, it is clear that in absence of:-

(i) pleadings regarding malafide,

(ii) non-joining the person against whom allegation are made,

(iii) violation of any statutory provision,

(iv) the allegation of the transfer being detrimental to the employee who is holding a transferrable post, judicial interference is not warranted. In the sequel of the said settled norms, the scope of judicial review is not permissible by the Courts in exercising of the jurisdiction under Article 226 of the Constitution of India."

26. Accordingly, this Court finds that the transferability of Officers is a matter of managerial prerogative, flowing directly from the statutory Regulations. The internal transfer policy is merely directory and cannot override or restrict that authority.

The Bank's decision to transfer an officer, when exercised for administrative or business reasons and without mala fides, lies squarely within its lawful discretion.

27. Thus, this Court determines the allegation of mala fide raised by the petitioner requires strict pleading and proof. The law is well settled that a plea of mala fide cannot be inferred from conjectures or slender material. In the present

case, although the petitioner alleges that the transfer is retaliatory on account of his complaint against respondent No.3, it is noteworthy that respondent No.3 has not been impleaded in his personal capacity. The Supreme Court in *N.K. Singh (supra)* has categorically held that in absence of impleadment of the concerned Officer, a plea of mala fide cannot be entertained.

28. Apart from the timing of the complaint and the transfer, no substantive material demonstrating malice, bias, or extraneous considerations has been brought on record by the petitioner. It is well settled that, transfer orders may coincide with complaints or personal hardships, but that by itself is insufficient to establish mala fide unless there is cogent evidence. This Court, therefore, finds no material to conclude that the impugned order has been passed with oblique motives.

29. Furthermore, the preliminary enquiry conducted by the authorized Officer did not prima facie substantiate the complaint. Moreover, it is not only the petitioner who has been transferred, from the record produced during the course of hearing, it transpires that on grounds of administrative exigencies several employees have also been subjected to transfer.

30. The medical condition of the petitioner's wife and the petitioner's own psychological stress are indeed sympathetic considerations. However, it is equally well settled that personal inconvenience or domestic difficulties cannot override administrative requirements. In *Shilpi Bose v. State of Bihar*, AIR 1991 SC 532, the Supreme Court emphatically held that courts cannot interfere with transfer orders solely on the basis of individual hardship unless the order is tainted with mala fide or statutory violation, the relevant paragraphs reads as follows:-

"4. In our opinion, the Courts should not interfere with a transfer order which is made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide. A government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the department. If the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest. The High Court overlooked these aspects in interfering with the transfer orders."

31. Furthermore, even in cases involving family medical issues, courts have consistently maintained that the employer is best suited to assess organizational requirements, and transfer cannot be quashed solely on compassionate grounds. The fact that the petitioner's complaint is pending also does not create any legal embargo on transfer unless it is shown that the transfer was passed because of

the complaint, which is not established in the present case.

32. Upon perusal of the record it is evident that the petitioner asserts that his representation dated 26/06/2025 was ignored, While consideration of representations is a healthy administrative practice. Failure to consider a representation does not automatically vitiate a transfer order, as held in State of U.P. v. Gobardhan Lal, (2004) 11 SCC 402, wherein it is held that mere non-consideration of a representation, without more, does not justify judicial interference unless the order itself is illegal or mala fide.

33. Thus, the transfer order dated 19/06/2025 being intra-zone, within administrative competence and within its ambit and there being no demonstrated prejudice, this Court finds no reason to hold that the transfer order is invalid.

34. Accordingly, in view of the above discussion and judgments cited, this writ petition deserves to be and is hereby dismissed.

35. Pending applications shall be disposed off accordingly.