

21 **25.09.
2026**

Ct. No. 18

Ab

WPA 26541 of 2026

**Soumya Nandi
Vs.**

**The Zonal Manager.
Indian Bank and others.**

**Mr. Subhas Chandra Atha,
Ms. Payel Pramanik.**

... for the petitioner.

**Mr. Shiv Mangal Singh,
Ms. Anjali Mishra.**

... for the Bank.

1. The petitioner is aggrieved that he has been transferred on August 5, 2026, quite in violation of the prescribed norms and Rules of the transfer policy of the Indian Bank. The transfer was effected on August 5, 2026 at 11.34 a.m. and the release order was made on the very same day at about 5.00 p.m.
2. Mr. Atha, learned Advocate appearing for the petitioner, submits that the transfer order is in gross violation of the transfer policy and, hence, cannot be sustained with in view of the following:
 - (a) The cut-off date for reckoning fulfillment of the conditions laid down in the policy has been specified as June 30 of every year unless otherwise specified.
 - (b) The Bank shall endeavour to complete the transfer exercised by June 30 every year.
 - (c) Mid-term transfers shall be considered only in case of promotions and administrative exigencies.

(d) Minimum service period of an Officer at a particular place of posting will be three years of active service.

(e) The petitioner has completed merely a period of one year and a month at the time of his transfer.

3. Mr. Singh, learned Advocate appearing for the Bank, has made the following submissions:

(a) The tenure for rotational transfer has been specified as a timeline between a minimum of one year to a maximum of three years. Thus, a person, who has served in a particular post for a year is liable to be transferred. The petitioner has served this period and is, thus, liable to be transferred.

(b) The Bank discharging public functions is entitled to transfer its employees on the ground of administrative exigency, thereby requiring no further explanation or limitation to such transfer.

(c) The petitioner having served for more than a year in his current place of posting is liable to be transferred. The transfer is, therefore, justified and justifiable.

(d) He has placed reliance on three decisions of the Hon'ble Supreme Court of India reported in 1995 Suppl. (4) SCC 169 (Abani Kanta Ray vs. State of Orissa and others), (2001) 8 SCC 574 (National Hydroelectric Power Corporation Ltd. vs. (1) Shri

Bhagwan (2) Shiv Prakash) and (2004) 11 SCC 402 (State of U.P. and others vs. Gobardhan Lal).

4. I have heard the learned Advocates for the parties, considered the documents and the decisions relied upon by them.
5. That transfer is not a matter of right and is an incidence of service is fairly well established and accepted. The Hon'ble Supreme Court of India in several decisions over a period of time has laid down the law with certainty and conclusively. These issues are not in dispute.
6. The Courts are generally circumspect to interfere into orders of transfer. Transfers concern the internal management of an institution, into which a Court would normally not interfere. However, one of the establish grounds to interfere is when a transfer is caused contrary to the policy, Rules and Regulations applicable to that particular institution.
7. This discussion and deliberation is prescribed in Transfer Policy for Officers up to Scale-III, Version 2.1, Human Resource Management Department (hereinafter referred to as "said policy").
8. For a better understanding, the relevant clauses are set out under:

"Guidelines on Transfer of Officers

1.0

1.3 The normal tenure of an Officer at a place of posting will be 03 years of active service.

1.6 The cutoff date for reckoning the fulfillment of the conditions laid down in this policy shall be

30th June of every year unless and otherwise specified.

1.7 The Bank shall endeavor to complete the transfer exercise by 30th June every year. Mid-term transfers shall be considered only in case of promotions and administrative exigencies. The transfer exercise will be through online portal. The online portal may also include the Bank's transfer policy, guidelines and related circulars, seniority list and other details in order to bring efficiency and transparency in transfer process.

3.0 Transfers at the instance of the Bank

- 1. Rotational Transfers
- 2. Transfer/Placement on Promotion.
- 3. Transfer on account of Administrative exigencies/Business requirement.

5.0 Rotational Transfers

5.1

Location	Minimum tenure (as on cut-off date)	Maximum Tenure (as on cut-off date)	
Branch/specialized Vertical/Any Department in Administrative Office	1 year	3 Years	
In the current Zone/Administrative Office	3 Years	6 Years	
In the Current State	3 years	9 Years	

9. On conjoint reading of this afore-stated policy, it leads to certain inevitable conclusions. These conclusions may be summarized as under:

- (a) An Officer in the grade of the petitioner is liable to be transferred as an incidence of service.
- (b) Such transfer should be effected by June 30 of every year as the cut-off date for reckoning the fulfillment of conditions laid down in the

policy.

(c) The Bank **shall** endeavour to complete the transfers by June 30 of every year.

(d) Mid-term transfer is permissible, only in cases of promotion and administrative exigency.

(e) If it is a rotational transfer, the minimum cut-off date is one year and the maximum three years. Thus, a person being transferred should have served a minimum of one year at a post, to become liable to be transferred. This does not apply to a transfer on administrative exigency.

10. The petitioner has joined his current place of posting on June 17, 2025. Thus, on June 30, 2026, he had already served a period of one year, thereby making him liable to be transferred to another post. This liability, only if he was transferred on rotational basis. This impediment is not applicable if the petitioner is transferred on administrative exigency. The employer, the respondent Bank herein, is entitled to transfer an incumbent if the same is effected on the ground of administrative exigency, at any time, notwithstanding the tenure of his service.

11. The petitioner was transferred on August 5, 2026. The policy makes a departure or distinction insofar as the timelines for effecting the transfer is concerned. Thus, if a transfer is made on a rotational basis or on the

ground of administrative exigency, it has to abide by the policy specifications, that the transfer should be effected by June 30 every year. However, such an interpretation could impinge the entire prospect and possibility of an administrative exigency. The exigency could well arise at any time and cannot be limited to the fixed date of June 30 of each year. Thus, if an administrative exigency arose, for example, at any time after June 30, a transfer could be effected to address this administrative exigency. Thus, the timeline for transfer to be effected on June 30 every year to be necessarily applicable to rotational transfer only.

12. The difficulty in this case arises upon perusal of the order of transfer dated August 5, 2026. This is coupled with Mr. Singh's argument that the petitioner having completed a tenure of one year in his current place of posting is, therefore, liable to be transferred. The overt insinuation of Mr. Singh is that the petitioner has been transferred on rotational basis and yet he submits that the transfer could be effected at any time after June 30 as this is a transfer on the ground of administrative exigency.

13. Without even getting into submissions made by the Bank on these two counts, seeking to club the two grounds together, the transfer order itself is ominously silent as to the ground. The transfer order

does not disclose any ground at all.

14. From a bare perusal of the said order it is impossible to ascertain whether the transfer has been effected on administrative ground or rotational ground or on any other ground. The petitioner has admittedly not been promoted.
15. The reason for this is; had this been a transfer on administrative exigency, the same had to be disclosed by the Bank. There is no such disclosure. If on the other hand, it was indicated as rotational transfer, it is clearly beyond the domain of the transfer policy, being effected on August 5, 2026 when it should have been done by June 30, 2026.
16. The judgments placed by Mr. Singh relate to this issue when a transfer has been made in accordance with the policy/Rules of an institution. In fact, in the decision of Abani Kanta Ray (supra), the Hon'ble Supreme Court has mentioned that the Courts can interfere when the transfer is arbitrary or vitiated by mala fides or infraction of any professed norm or principle governing the transfer.
17. The instant case clearly falls within this parameter, as the ground of transfer has not been disclosed, for the reasons afore-stated.
18. In view of the afore-stated findings, the order of transfer and the release order both dated August 5, 2026 are set aside.

19. I make it clear that this will, however, not stop the Bank from initiating further process of transfer, if so advised.

20. With the afore-stated observations, the writ petition is disposed of.

21. There shall, however, be no order as to costs.

22. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)