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DELHI HC ON COURT'S INTERVENTION ON EMPLOYEE TRANSFERS

A. Introduction:

Delhi High Court (“**HC**”), in *Divya Jain* case,¹ held that courts do not interfere in an employee transfer made by an employer unless the same is contrary to the transfer policy or is *mala fide*.

B. Brief Facts:

1. Divya Jain (“**Jain**”), working as junior management grade scale-I officer of State Bank of India (“**SBI**”) was posted in October, 2022 at its Bhagalpur Branch, Patna.
2. Jain requested transfer to Delhi on compassionate grounds as her father was suffering from Parkinson’s disease and he required constant care and attention.
3. Jain submitted a detailed representation in October 2022 requesting transfer from Patna circle to Delhi. However, her representation was rejected.
4. Jain approached the HC seeking directions to quash SBI’s letter posting her at Bhagalpur Branch, Patna and seeking direction to SBI to transfer her to Delhi on the compassionate grounds.

C. Judgment & Reasoning:

HC held:

1. The transfer policy of SBI envisages transfer on the ground of illness of an applicant’s parents only if they are the sole child and the parents are unable to relocate to the applicant’s place of posting.
2. It is an admitted position that Jain is not the sole child as she has a brother, who is an earning member and looking after Jain’s father.
3. Drawing reference from *Shilpi Bose* case,² the HC held that: “*It is a settled law that in judicial review, Courts do not interfere in transfers made by the employer unless the same is contrary to the transfer policy or is mala fide.*”
4. On Jain’s request, the HC permitted her to make another representation along with medical documents on SBI’s portal, after she joins her current place of posting. Liberty was given to SBI to consider the representation, in accordance with law. The writ petition was disposed of.

This *Counselence Connect* contains information in a nutshell on a recent change in law.

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¹ *Divya Jain V. State Bank of India and others* WP (C) 15939/2022 & C.M. APPL. 49620/2022.

² *Shilpi Bose (Mrs) and Others V. State of Bihar and Others* 1991 Supp (2) SCC 659.