HIGH COURT OF TRIPURA
A G A R T A L A

WP(C) No.721 of 2026

Dr. Pranajit Paul,
S/O Sri Pradip Kumar Paul, resident of Opposite of Govt. Press, Milan Sangha, P.O. A.D. Nagar, Agartala, District West Tripura, PIN 799003.

…… Petitioner(s)

– V e r s u s –

1. **Tripura Gramin Bank,**
   A Government Undertaking, to be represented by it's Chairman, Tripura Gramin Bank, Head Office at Abhoynagar, P.O. Agartala, PIN 799005.
2. **The Chairman,**
   Tripura Gramin Bank, (A Government Undertaking), Head Office at Abhoynagar, P.O. Agartala, PIN 799005.
3. **The General Manager (HR),**
   Tripura Gramin Bank, (A Government Undertaking), Head Office at Abhoynagar, P.O. Agartala, PIN 799005.

……..Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Senior Advocate. Mr. Kawsik Nath, Advocate.
For the Respondent(s)	:	Mr. Prabir Saha, Advocate.
Date of hearing	:	***14th October, 2026.***
Date of delivery of Judgment & Order	:	***13th November, 2026.***

Whether fit for reporting :

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER

The petitioner has filed this petition challenging the transfer order dated 09.09.2026 issued by the Chairman of Tripura Gramin Bank, Agartala.

[2] Though in this writ petition, no counter affidavit is submitted from the side of respondents but they have submitted 2 (two) nos. of detailed affidavit-in-opposition in the connected stay matter divulging their entire

defence. Accordingly, both the parties were heard at length on the merit of the writ petition.

[3] The petitioner was promoted to the post of Chief Manager, Scale IV on 01.04.2025 and was posted at Tripura Gramin Bank, Agartala Branch w.e.f. 01.07.2025. On 09.09.2026, an order of transfer has been issued by the Chairman of the Bank on the ground that on 26.08.2026, indifferent attitude and poor customer service was provided to one Senior Executive of the State Government by him which was a serious departure from the standards of courtesy, promptness and professionalism and considering that lapses and in view of the interest of public and Bank's administrative exigencies, he has been transferred to Poangbari Branch with immediate effect. He has been also directed to join his new place of posting forthwith without availing joining time.

[4] On the following day i.e. on 10.09.2026, the petitioner submitted a representation to the Chairman, Tripura Gramin Bank disclosing that on 26.08.2026, one customer namely, Tapas Roy, Secretary to the State of Tripura visited Bank branch asking for a personalized cheque book in relation to a joint account of himself and his son. Then he politely informed him that it will take time as the cheque book is required to be printed and posted to his home address from outside the State and he also entered the said requisition of personalized cheque book in CBS at that moment but said customer was not satisfied and insisted for immediate delivery of such cheque book. The KYC documents of his son as was submitted by him was also not having signatures of his major son and therefore, the petitioner informed him that such KYC documents are required to be attested and signed by the person concerned but the said gentleman said that he being father would sign the said documents. The petitioner then replied that if requires, he would send staff from his Bank branch for obtaining signature of his son from his house and he never misbehaved with him. Therefore, he requested for revoking said transfer order. Thereafter on 14.09.2026, a show cause notice was issued to him on that ground asking him to show cause in writing as to why disciplinary action should not be initiated against him.

[5] He submitted his reply to said show cause notice on 18.09.2026 denying the allegations and asserting that insistence for compliance with KYC

requirements cannot constitute indifferent behavior and the customer was dealt with politely and with courtesy. It is also stated by him that compliance with banking requirement is also obligatory on his part which cannot be diluted at the customers' request.

[6] The Bank authority in their counter affidavit has asserted that after promotion to the post of Chief Manager, it was noticed that the attitude of the petitioner became unprofessional towards customer services and he was verbally cautioned to rectify himself in this regard and on 26.08.2026, he misbehaved with said Secretary of Labour Department, Government of Tripura and failed to provide customer service towards a customer like a Senior Executive of the State Government and therefore, exercising the power under the provision of Section 74(1) of the Tripura Gramin Bank (Officers and Employees) Service Regulations, 2010 and considering administrative exigency he was transferred as such. It is also stated that it has been the Bank's policy that misbehavior/rude behavior with customers shall be treated with zero tolerance and immediate action will be taken. It is further stated that since the petitioner failed to provide banking service towards the customers specially to the Senior Executive i.e. Secretary, Labour Department, Government of Tripura and since the petitioner failed to maintain decorum regarding the behavior with customer like a Senior Executive of the State Government, he has been transferred inasmuch as, the petitioner by such unprofessional activities towards said Executive has destroyed the image and business of the bank in the eye of the public domain.

[7] Mr. P. Roy Barman, learned senior counsel for the petitioner referring to above said facts of the case submits that before the petitioner was transferred, no show cause notice was issued to him alleging any sort of misbehavior or rude behavior towards the said customer and even no enquiry was also done by the Bank in this regard. Referring to a minutes of meeting dated 27.08.2026 (Annexure R/2 of the stay petition), learned senior counsel submits that as per said document itself, one Shri Sujit Roy, Senior Regional Manager, West Tripura Region, the present petitioner and another Shri Subhradeep Bhowmik, Marketing Officer, Regional Office of Tripura Gramin Bank met said Sri Tapas Roy, Secretary, Labour Department and details of their conversation was minuted in the said document and in the said document itself,

it is mentioned that the Bank delegation clarified the stringent regulatory framework set by Reserve Bank of India and internal compliance norms, explaining that updates to an account's KYC record strictly require the personal signature of the primary account holder i.e. the son of said customer rather than a third-party or parental attestation. Referring to that, Mr. Roy Barman, learned senior counsel strongly argues that when the petitioner insisted the customer to comply with the banking norms under RBI guideline, that cannot be treated as misbehavior towards the customer. It is also submitted by him that the said document itself will show that just to give over importance to said customer and to satisfy him, punitive action has been taken against the petitioner illegally by transferring him to Poangbari despite he was having no fault in this regard.

[8] Mr. Roy Barman, learned senior counsel finally relies on a decision of Hon'ble Supreme Court in case of ***Somesh Tiwari vs. Union of India and others; (2009) 2 SCC 592*** wherein the appellant was an officer of the Indian Revenue Service and was posted as a Deputy Commissioner of Central Excise at Bhopal. On the premise that the employees posted at the Bhopal office of the respondents apprehending disciplinary as also criminal proceedings at the hands of the appellant i.e. the concerned employee on the basis of the reassessment of the files undertaken by him, an anonymous complaint was made alleging caste bias on his part, pursuant whereto an order of transfer was passed against him transferring him to Shillong. It was however there that on the basis of said anonymous complaint, an enquiry was conducted by an Assistant Commissioner, Directorate of Vigilance wherein allegations made against the appellant were not found to be true. In that backdrop, Hon'ble Supreme Court held the followings at Paragraph no.16:

> ***"16. Indisputably an order of transfer is an administrative order. There cannot be any doubt whatsoever that transfer, which is ordinarily an incident of service should not be interfered with, save in cases where inter alia mala fide on the part of the authority is proved. Mala fide is of two kinds-one malice in fact and the second malice in law. The order in question would attract the principle of malice in law as it was not based on any factor germane for passing an order of transfer and based on an irrelevant ground i.e. on the allegations made against the appellant in the anonymous complaint. It is one thing to say that the employer is entitled to pass an order of transfer in administrative exigencies but it is another thing to say that the order of transfer is passed by way of or in lieu of punishment. When an order of transfer is passed in lieu of punishment, the same is liable to be set aside being wholly illegal."***

[9] Mr. Prabir Saha, learned counsel for the respondents at the outset refers to the said minutes dated 27.08.2026 (Annexure R/2 of the stay petition) wherein against the heading “resolution and hospitality” it is noted down that reassured by the controlling office’s proactive personal visit and transparent explanation, said Shri Roy accepted the Bank’s apology, agreed to drop his proposal to close his son’s account, and willingly agreed to complete the necessary documentation. Mr. Saha, learned counsel referring to it submits that the misbehavior of the present petitioner ultimately caused serious displeasure of the customer for which he was likely to withdraw his son’s account from the Bank and ultimately, the higher officials of the Bank had to beg apology for the same and the petitioner himself was also a member of the said team who also sought apology.

[10] Referring to Regulation 39 of said Banking Service Regulations of 2010 which consists of both minor penalties and major penalties for the Bank employees and officers in case of their negligence, inefficiency or indolence, Mr. Saha, learned counsel submits that under the said Regulation 39, the petitioner is liable for departmental proceeding and in this regard, a show cause notice has already been issued to him. Referring to Regulation 74 which contains a general provision that every officer or employee is liable for transfer to any office or branch of the Bank, Mr. Saha, learned counsel submits that the present petitioner has been transferred by the Bank authority exercising said power and as per Regulation 49, the petitioner has his right to appeal against the said order of the Bank but without availing such remedy, he has directly approached the Court and therefore, the writ petition is not maintainable. He has also given his stress on another letter dated 18.09.2026 whereby the Chairman of the Bank sent an apology letter again to Mr. Roy expressing his deep regret and sincere apology for the inconvenience and hurt caused to him. In the said letter it is also mentioned that Tripura Gramin Bank has always maintained a close and valued relationship with the Government of Tripura and its various Departments and they deeply value the trust and confidence reposed in the Bank by the State Government, its Departments, institutions, employees and people of Tripura. Mr. Saha, learned counsel in that context submits that due to misbehavior and improper service rendered by the petitioner, the Chairman of the Bank for the second time had to seek apology by said letter.

[11] It is also argued by him that the petitioner till date is in unauthorized leave and despite order passed by the Bank authority on 24.09.2026, no medical paper of treatment has yet been submitted by the petitioner to the Bank though initially he sent a mail on 10.09.2026 informing that he was suffering from severe abdominal issue for past few days and his doctor advised him to take bed rest for recovery. Finally, learned counsel prays for dismissal of the writ petition.

[12] Court has accorded the submissions of both sides and has gone through the documents and pleadings of the parties.

[13] It is fact that the contents of the said transfer order as indicated above itself indicates that said order was a punishment transfer with aspersion on the efficiency, behavior and skill of the petitioner in discharging his official duty noting that he failed to maintain standard of courtesy, promptness and professionalism; but before issuance of such transfer order neither any show cause notice was issued to him nor any enquiry was done by the Bank which is gross violation of principle of natural justice. Even, said minutes in the form of confidential visit report prepared on 27.08.2026 itself shows that the Bank delegation clarified the stringent regulatory framework made by Reserve Bank of India that KYC documents are required to be signed by the customer concerned and they also explained to Mr. Roy that regarding personalized cheque book, branch level printing was not available and all personalized requests are being processed through a centralized facility in Jalandhar, Punjab, requiring up to 7 working days for delivery of cheque book. Thus, it is evident from above said document that the request for instant personalized cheque book, signing of KYC documents by father on behalf major son were not permissible or feasible as per Bank norms and such regulation was indomitable and unrelaxable.

[14] What sort of misbehavior actually was done by the petitioner is neither mentioned in the transfer order or in the said resolution/visit report. Even in the subsequent show cause notice dated 14.09.2026 (Annexure 3 to the writ petition), a general allegation has been depicted therein that petitioner displayed indifferent attitude and poor customer service while dealing with a Senior Executive of the Government on 26.08.2026 but what sort of wrong attitude or

behavior or poor customer service was exhibited by him has not been further mentioned therein.

[15] In ***Somesh Tiwari (supra),*** as quoted earlier, the Hon'ble Supreme Court has observed therein that when an order of transfer is passed in lieu of punishment, same is liable to be set aside being wholly illegal. When any fault or deficiency on the part of the petitioner is not established, passing of such order is not only illegal but also hasty. It may be so that the Bank authority was over conscious for the disappointment of a Senior Administrative Officer of the State as their banking business with the State Government Departments may suffer, not only the petitioner has been transferred rather despite the fact that on the meeting dated 27.08.2026 itself when said customer Mr. Roy was finally very happy at the fag end of the visit and even he also hosted tea for the entire delegation in a highly cordial atmosphere but despite the same, without any reason or cause, again after lapse of considerable time, the Chairman further issued an apology letter to him on 18.09.2026 (Annexure R/4). Considering all these aspects, it appears to be a fit case to interfere with the said transfer order, same being illegal and arbitrary having punitive contents therein without sufficient reason and for gross violation of principle of natural justice.

[16] Non-exploration of alternative remedy does not always bar the Court in exercising its jurisdiction under Article 226 of the Constitution. In ***Uttar Pradesh Junior High School Council Instructor Welfare Association vs. State of Uttar Pradesh and others; (2026) 5 SCC 321***, the Hon'ble Supreme Court observed the followings:

> ***"27. Moreover, as held in Rajasthan SEB v. Union of India, (2008) 5 SCC 632, the existence of an alternative remedy under a statutory scheme does not operate as an absolute bar to the exercise of writ jurisdiction under Article 226 of the Constitution. This is particularly so in cases where the writ petition has already been entertained by the Court, pleadings have been completed, and the matter has been adjudicated on merits. In such circumstances, relegating the parties to an alternative forum would defeat the ends of justice and render the prior proceedings redundant.***
>
> ***28. The Supreme Court has consistently clarified that the rule of exclusion of writ jurisdiction on account of availability of an alternative remedy is one of prudence and self-restraint, not of compulsion. This principle was authoritatively reiterated in Harbanslal Sahnia v. Indian Oil Corpn. Ltd., (2003) 2 SCC 107 wherein it was held that the High Court, while exercising its writ jurisdiction, must weigh the facts and circumstances of each case, assess the pros and cons, and then decide whether interference is warranted. Thus, where the facts so***

justify, the Court retains full discretion to entertain and decide a writ petition notwithstanding the availability of an alternative remedy. Thus, the objection to the maintainability is unsustainable and is overruled."

[17] Consequently, the writ petition is allowed. The transfer order dated 09.09.2026 (Annexure 1 to the writ petition) is hereby quashed. The respondents are directed to allow the petitioner to join at Tripura Gramin Bank, Agartala branch wherein he was posted prior to issuance of said transfer order, within 7 days from today and to regularize his unauthorized absence with wages for the said period on submission of his leave application in due course.

With such terms and conditions, the writ petition is disposed of.

Interim order, if any, stands vacated.

Pending application(s), if any, shall also stand disposed of.

JUDGE

HIGH COURT OF TRIPURA
सत्यमेव जयते

Rudradeep RUDRADEEP BANERJEE Digitally signed by RUDRADEEP BANERJEE Date: 2026.11.13 13:49:55 +05'30'