

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Writ Petition No.1194 of 2015

Date of decision: 23.1.2015

Sukhwant Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Gurjeet Singh Kaura, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The injunction granted by the Civil Court in favour of the petitioner protecting his civil rights ad interim to possession of property as a tenant in a Mohali house owned by the complainant has nothing to do with his transfer to another Police range on administrative grounds. Transfers of Assistant Sub Inspectors from one range to another are permissible so long as there is no loss of the seniority in the parent range as held by the Supreme Court in **State of Haryana v. Kashmir Singh & others**; [2010] 13 SCC 306 : 2010 [4] SCT 565.

It is well accepted principle of service law that transfer is an incidence of service and no one has a right to claim posting at a particular place. Merely because the complaint of the NRI owner of property in which the petitioner is a tenant was forwarded to the NRI Wing is not sufficient to

undo the impugned order or to castigate it as perverse or passed with malafide. The allegations of malafide in the petition are far too weak to sustain an admission of the case for regular hearing and protect the petitioner with a stay order.

No ground is made out against the order of transfer to be interfered with in an extraordinary, discretionary and equitable writ jurisdiction provided in article 226 of the Constitution. For these reasons, I find no ground to interdict in the impugned order and would dismiss the petition.

It is, accordingly, dismissed.

(RAJIV NARAIN RAINA)
JUDGE

January 23, 2015
Paritosh Kumar