

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

CWP No.13814 of 2015
Date of decision: 14.07.2015

Deepak Bhandari

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Mandeep K. Sajjan, Advocate,
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Even earlier the petitioner approached this court vide CWP No.9261 of 2015 and had assailed the order dated 23.04.2015 (Annexure P3), passed by respondent No.2, whereby he was transferred from DRDA, Ferozepur to DRDA, Fazilka. Since it was maintained that petitioner had represented to respondent No.3, against his transfer, vide representation dated 24.04.2015 and in response respondent No.3, vide letter dated 24.04.2015, had recommended to Joint Development Commissioner-cum-Special Secretary, Punjab (respondent No.2), that transfer of the petitioner be cancelled, but as no formal order was still passed, the petition was disposed of on 12.05.2015 with a direction to respondent No.2, to consider and decide the representation dated

24.04.2015 (Annexure P6), submitted by the petitioner. As the representation of the petitioner has since been considered and declined by respondent No.2, vide order dated 08.06.2015, the petitioner has again approached this court vide this petition. An analysis of the order dated 08.06.2015 (Annexure P9) reveals that even before the earlier petition was disposed of by this court on 12.05.2015, respondent No.2 had already considered and rejected the representation, submitted by the petitioner, on 07.05.2015. In fact, the petitioner was appointed as an Accountant in DRDA, Ferozepur on 01.12.1986 and was thereafter promoted as Superintendent on 14.08.1995 and again promoted to the post of APO(M) on 28.10.2010. Therefore, he remained posted at one station i.e. Rural Development Agency Ferozepur for the last about 29 years. In the DRDA Regulations, 1991, there existed no provision for non-transfer of any employee. No doubt, petitioner mentioned in his representation that he had an old ailing father and an elder daughter, who was disabled, but the instructions issued by the Punjab Government dated 17.06.2014 did not envisage any exemption in this regards. Transfer of the petitioner from DRDA, Ferozepur to DRDA, Fazilka was purported to be for administrative reasons and in public interest. Needless to assert, transfer is an incidence of service and is primarily the domain of the employer. And can be interfered with, only if the same is shown to be in breach of statutory rules, policy of the

Government in this regard or actuated by extraneous considerations or vitiated by malafides. Nothing could be pointed out as to how the order of transfer was vitiated on any account.

That being so, no interference is warranted in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. Petition being devoid of merit is accordingly dismissed.

July 14, 2015
Rajan

(Arun Palli)
Judge