

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

CWP no. 26764 of 2015(O&M)

Date of Decision :21.12.2015

Subhash Chander

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Karan Singh, Advocate for the petitioner

MAHESH GROVER, J.

The petitioner impugns the order of transfer (Annexure P-3) on the ground that this is the third transfer within one year.

The earlier orders referred to by the petitioner on record as Annexures P-1 and P-2 would indicate that the petitioner was initially transferred from Yamunanagar to Sonapat by way of Annexure P-1 but the same was cancelled on account of the mutual consent by both the incumbents at Sonapat and Yamunanagar resulting in passing of Annexure P-2 which also implies nullification of the earlier order i.e. Annexure P-1. Impugned Annexure P-3 has now been passed.

In the considered view of this Court, since the first transfer by way of Annexure P-1 is nullified by Annexure P-2, Annexure P-3, the impugned order would imply first transfer.

Learned counsel for the petitioner contends that one of the incumbents has been on a post for 5 years and therefore, there is no occasion to transfer the petitioner out whereas the person who has a longer stay should be transferred.

On due consideration of the matter, I am of the view that transfer orders cannot be interfered with in the exercise of jurisdiction under Article 226 of the Constitution of India unless some malice is shown. Finding none to be manifest in the facts stated before this Court, no interference would be warranted as transfers are purely administrative decisions.

Hence, instant petition is hereby dismissed.

December 21, 2015
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(Mahesh Grover)
Judge