

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

CWP-317-2015

Date of Decision: 20.08.2015

Somender Kumar

..... Petitioner

Versus

State of Haryana & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

- 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?**

Present:- Mr. Vikas Lochab, Advocate
for the petitioner.

Mr. R.K.S. Brar, Addl. A.G., Haryana
for respondent No.1.

Ms. Anupama Sharma, Advocate for
Mr. Papdamkant Dwivedi, Advocate
for respondents No. 2 to 4.

Ms. Amita, Advocate for
Mr. Amit Sheoran, Advocate
for respondent No.5.

HARINDER SINGH SIDHU, J (Oral)

This petition has been filed praying for quashing the order dated 19.12.2014 (Annexure P-3) whereby the petitioner has been transferred from Sub Division Rai to Sub Division Kathura.

It is contended that the petitioner, who is working as a Sub Divisional Officer has been transferred three times in ten months.

In response to the notice of motion, in the reply filed on behalf of the respondents, it has been stated that the impugned transfer order was administrative one and not for any extraneous reasons and complaints were received against the petitioner and number of discrepancies were found on the part of the petitioner while releasing industrial as well as general connections. It has further been stated that after passing of the transfer order, the petitioner had relinquished the charge on 22.12.2014. It is argued that the petitioner has not levelled any specific allegations of mala fide and moreover, merely on the basis of three transfers in 10 months, no inference of harassment can be drawn against the respondents.

It is well settled that transfer is an incidence of service and is an administrative matter in the discretion of the competent authority. Transfer can only be challenged on the ground of mala fide or violation of any statutory provision or the competence of the authority.

Consequently, this Court is not inclined to interfere with the impugned transfer order.

Dismissed.

(HARINDER SINGH SIDHU)
JUDGE

20.08.2015
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