

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

**CWP No.11003 of 2016
Decided on :28.05.2016**

Gurmail Singh Bhattal

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Vivek Sharma, Advocate, for the petitioner.

G.S. Sandhawalia, J. (Oral)

Challenge has been raised to the transfer order dated 05.05.2016 (Annexure P5), which is on administrative grounds.

Admittedly, the petitioner has already been posted at Barnala for the last more than 2 ½ years. It is settled proposition of law that in the absence of any *mala fides* or any legal vested rights, transfer orders are not to be interfered with lightly by this Court. The Apex Court in **State of U.P. & others Vs. Gobardhan Lal 2004 (2) RSJ 604** has held as under:

“8. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.”

The argument of counsel that the petitioner had represented to the Principal on certain accounts, is without any basis, since the transfer order has been issued by respondent No.2, against whom, there is no specific allegation of *mala fides*. Resultantly, this Court does not feel that it is a fit case to exercise its extraordinary writ jurisdiction under Article 226 of the Constitution of India.

Dismissed in limine.

MAY 28, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE