

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

CWP No.12440 of 2016 (O&M)

Date of decision : 05.09.2016

Satyawan Sheoran

....Petitioner

Vs.

Board of School Education, Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Manoj Chahal, Advocate for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J.

C.M. No.10714 of 2016:

Prayer in the application is for preponement of the date in the main writ petition which is otherwise fixed for 29.11.2016.

Notice in the application.

On the asking of the Court, Mr. Hitesh Pandit, learned Additional Advocate General, Haryana accepts notice. A copy of the application already stands furnished to learned State counsel.

In view of the averments made in the application and with the consent of counsel for the parties, the date in the main case is postponed from 29.11.2016 and the same is taken up on board today itself.

Application is disposed of.

Main case:

The petitioner who is serving on the post of Superintendent under the Board of School Education, Haryana has filed the instant petition assailing the order dated 06.06.2016 at Annexure P-1 in terms of which he has been transferred from Bhiwani to Regional Book Sale Service Centre,

Counsel appearing for the petitioner has raised a two fold submission. In the first instance, it has been contended that there was no administrative exigency in directing the impugned transfer as there is no work at the Regional Book Sale Service Centre at Ambala. Counsel further submits that the work of such Book Sale Service Centre all over the State is now being brought to an end and these centres are in the process of being closed down.

The second submission raised is as regards the order of transfer being malafide and having been passed at the instance of respondent No.3/Assistant Secretary, NSQF Cell, Board of School Education, Haryana, Bhiwani.

It is submitted that one Dharamvir Singh had sought some information under the R.T.I. Act in response to the appointment of Coordinators as also advance of Rs.70,000/- having been taken by respondent No.3 and such information as also true facts had been furnished by the petitioner and which were inconvenient to respondent No.3 as one of his close relatives was involved. Accordingly, it is argued that respondent No.3 being annoyed has managed the transfer of the petitioner by virtue of impugned transfer dated 06.06.2016 at Annexure P-1.

At this stage, yet another submission raised by counsel is that the impugned order is in violation of the policy of transfer framed by the respondent/Board and placed on record at Annexure P-4. It is contended that under the policy, employees prior to the transfer to the Coordination Centres are to be given the chance to submit an option and no such option was taken from the petitioner. Still further under the policy itself, it is envisaged that the transfer be done in the month of April. It is argued that

the impugned order has been passed in the month of June, 2016 and as such, would amount to a mid-term transfer and would cause inconvenience to the family of the petitioner.

Having heard learned counsel for the parties at length, this Court is of the considered view that no case for interference is made out.

There would be no occasion for this Court to record a finding as regards there being no work at the Regional Book Sale Service Centre, Ambala. The mere fact that the impugned order dated 06.06.2016 at Annexure P-1 has been passed and whereby the petitioner has been transferred to such Book Sale Service Centre, Ambala would be sufficient for this Court to presume that there is workload to justify the passing of the order of the impugned transfer.

As regards malafides is concerned, the assertions made in the petition are utterly vague. The Assistant Secretary and who is stated to have been annoyed at the petitioner and who has managed the transfer has not even been impleaded as a party respondent by name. In any case, this Court on the basis of certain bald averments made in the petition cannot draw dubious inference of malafides.

Even the contention of the impugned transfer being in violation of the transfer policy is being noticed only to be rejected. Terms and conditions contained in a transfer policy do not vest an enforceable right in the employees. An order of transfer is not to be set aside merely for the reason that it violates any particular condition contained in a transfer policy.

During the course of arguments, it stands conceded by the counsel that the petitioner has been serving at the head office of the Board in Bhiwani since 09.06.2014. He has already completed two years of tenure

at Bhiwani itself. No exception can be taken to an order of transfer having been passed after a period of two years. After all transfer is an incidence of service and in which this Court would not be inclined to interfere unless it is demonstrated that the order of transfer has been passed in violation of any statutory provision or has been directed by an authority who had no jurisdiction to pass such order.

Petition dismissed.

05.09.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |