

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

***CWP No.17481 of 2016 (O&M)
Date of decision : 27.08.2016***

Kuldeep Singh

....Petitioner

Vs.

State of Haryana and another

....Respondents

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

Present: Mr. Ajit Sihag, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The petitioner who is working on the post of Assistant under the Haryana State Transport Department has filed the instant petition assailing his transfer from Hisar to Chandigarh.

Counsel would argue that the impugned transfer is in violation of the transfer policy dated 06.10.2014 placed on record and appended as Annexure P-1. It has been argued that as per clause 1 of the transfer policy, an employee may generally not be transferred out of his current place of posting prior to completion of 2 year's tenure. Counsel also places reliance upon clause 7 of the policy which postulates that when husband and wife both are in Haryana Government service, they may generally be posted at the same or nearby stations as far as possible.

It is argued that the petitioner had joined at Hisar only on 30.03.2015 and as such, had not even completed the 2 years normal tenure and as such, could not have been transferred to Chandigarh. Further contended that wife of the petitioner is a PGT teacher under the Haryana State Education Department and is currently posted and serving in a school in Hisar district and as such, as per clause 7 of the transfer policy, the petitioner is vested with a right to be accommodated in Hisar itself.

Having heard learned counsel for the petitioner, this Court is of the considered view that no basis for interference is made out. Transfer is an incidence of service. Terms and conditions contained in a transfer policy do not vest an enforceable right in favour of an employee.

These are the matters to be agitated before the employer/respondent-Department in the first instance.

Accordingly, while declining to interfere in the matter, liberty is granted to the petitioner to approach the competent/respondent Authority as regards his grievance against the order of transfer.

Disposed of.

27.08.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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