

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

Civil Writ Petition No.2390 of 2016

Date of decision: 5.2.2016

Sushil Kumar Handa

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Kushagra Mahajan, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The petitioner has approached this Court in a transfer matter directly without bringing his grievance to the notice of the transferring authority.

If the petitioner has any grievance, he is at liberty to move the Administrator and seek redressal of the transfer order. This would be in conformity with the directions issued by the Supreme Court in **Shilpi Bose (Mrs.) v. State of Bihar**; AIR 1991 SC 532.

In any case, the transfer is an incidence of service. The transfer policy always leaves some free play for the Administrator to promote the cause of public interest and the exigencies of administration to meet

emergent situations encountered by passing time.

The transferring authority remains the best Judge of the ground situation within the revenue districts he manages and as to who should be posted where. It is not for the Court to interfere in the matter unless the action is visited by malafides. Mere bald statements made in a writ petition not substantiated by corroborative evidence are not sufficient to invite a finding that the action is malafide.

There is no merit in the petition and the same is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

February 5, 2016

Paritosh Kumar