

C.W.P No. 25833 of 2016

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 25833 of 2016

DATE OF DECISION:14.12.2016

Manjit Singh

.....Petitioner

Versus

Punjab State Power Corporation Ltd. & Ors.

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. BD Sharma, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside impugned order of transfer dated 9.12.2016, vide which, the petitioner has been transferred from the office of Senior Executive Engineer/T.T.C., Amritsar to M.E. Sub Division, Verka, Amritsar.

Learned counsel for the petitioner contends that neither there was any administrative exigency nor any complaint was made regarding work and conduct of the petitioner still he has been transferred. The transfer order has been passed in mid session with mala fide intention just to give benefit to respondent No.6. Learned counsel further contends that the impugned transfer order is violative of policy of transfer as the petitioner is going to retire in the month of March, 2019.

Heard the arguments advanced by learned counsel for the petitioner and have also gone through the impugned order dated 9.12.2016.

The petitioner has been transferred from the office of Senior Executive Engineer/TTC, Amritsar to M.E. Sub Division, Verka, Amritsar, meaning thereby, that the transfer is from one branch to another in the same city. The only argument which has been raised by learned counsel for the petitioner is that the transfer has been made in mid session just to give benefit to respondent No.6, which is violative of policy of transfer framed by the State of Punjab as the petitioner is going to retire in the month of March, 2019. The mala fide due to which the petitioner has been transferred is neither mentioned in the averments made in the petition nor pointed out at the time of arguments advanced by learned counsel for the petitioner. There is no violation of terms and conditions of the transfer policy as the transfer is in the same city. Moreover, the posting cannot be claimed as a matter of right. It cannot be said that an employee cannot be transferred from one place to other. In case of transfer, the interference by the Court, is only when some mala fide is there against any person. A Government servant has no vested right to remain posted at a place of his choice and he cannot insist upon it. The transfer can also be in the administrative exigency from one place to another. The Courts are reluctant in interfering with the transfer of an employee unless it is in violation of some statutory provisions or suffers from mala fides. The transfer of the petitioner cannot be said to be stigmatic as nothing has been mentioned in the impugned order while transferring the petitioner from one branch to another branch.

Accordingly, there is no merit in the contentions raised by

C.W.P No. 25833 of 2016

(3)

learned counsel for the petitioner and the petition being devoid of any merit
is hereby dismissed.

December 14, 2016
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No