

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 4664 of 2016 (O&M)

Date of decision : 11.3.2016

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Parvinder Kumar Garg

.....Petitioner

vs.

Bharat Sanchar Nigam Ltd. and others

.....Respondents

**Coram: Hon'ble Mr. Justice Surya Kant
Hon'ble Mr. Justice P.B. Bajanthri**

Present: Mr. Sanjeev Manrai, Senior Advocate with
Mr. Sumit Jain, Advocate for the petitioner.

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1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

P.B. Bajanthri, J.

The petitioner has questioned the validity of order dated 23.2.2016 (Annexure P-1) passed in O.A.No. 060/00499/2014 of the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal').

(2) The petitioner joined as a Junior Telecom Officer in the year 1984. He was posted at Manali in Kullu District in the month of October, 1985 till 14.6.1989, the day on which he was transferred to Punjab Circle and posted in Sangrur. On 10.3.2014, amongst other

Sub Divisional Engineers, petitioner was also transferred from Punjab Circle to Jammu and Kashmir. Feeling aggrieved, he approached the Tribunal. The Tribunal directed the respondents to consider the representation of the petitioner by passing a speaking order. The respondents then passed speaking order on 26.5.2014 vide Annexure A-1. The petitioner dissatisfied with the speaking order dated 26.5.2014, filed another application which the Tribunal has dismissed vide order dated 23.2.2016, on the basis of its order passed in O.A. No. 060/00438/2014 titled as **D.K. Aggarwal and another vs. Union of India and others decided on 2.2.2016.** Aggrieved by the order of the Tribunal, the petitioner contends that policy relating to transfer of employees has not been taken into consideration, while transferring him from Punjab Circle to Jammu and Kashmir Circle. The said issue was not considered by the Tribunal. He has also pointed out that some of the Sub Divisional Engineers, who are working for longer period have not been disturbed.

(3) The scope of Judicial review in respect of transfer of employees is very limited, like unless mala fide, or prohibited by any service rules, or passed by an incompetent authority. In the present case, the petitioner has not raised any of the contentions like mala fide, violation of any rules or transfer order has been issued by an incompetent authority. Therefore, the petition is liable to be rejected.

(4) Transfer is an incidence of service and one cannot be interfered with if effected on administrative grounds/reasons and without attaching any stigma, which was not so in the present case.

Ordinarily Court/Tribunal cannot interfere with the order of transfer lightly by substituting their own decision in the matter. It is to be noticed that the petitioner is working in the Punjab Circle for more than 2 ½ decades. He being an Officer of BSNL, his services were required/lent anywhere in the country. Therefore, transferring him from Punjab Circle to Jammu and Kashmir, is in the administrative interest. Therefore, no occasion arises for interference with the order of transfer dated 10.3.2014 and speaking order dated 26.5.2014.

(5) Accordingly, the petition stands dismissed.

(6) No order, as to costs.

(**Surya Kant**)
Judge

(**P.B. Bajanthri**)
Judge

11.3.2016.
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