

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 7058 of 2016

Date of Decision : April 12, 2016

Bhim Sain Petitioner
vs.
State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Naresh Jain, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner, who serves the respondents as an Assistant Food and Supply Officer, challenges the order of his transfer from Hisar to Jind on the ground that he is to retire on 31.05.2017, he and his wife suffers from several ailments and that respondent no. 3 has remained posted at Hisar for the majority of his career and has again managed to get himself transferred in Hisar. Learned counsel for the petitioner submits that the transfer of the petitioner is against the applicable transfer policy of the Government of Haryana and thus, illegal.

The reliance of the petitioner, to challenge his order of transfer, on the transfer policy of the Government of Haryana, is misconceived as it

is the settled law that such policies are only to guide the Administrative Authorities while ordering transfers and are not enforceable in a Court of law, especially when no extreme hardship has been shown nor mala fide even alleged. The fact that the petitioner is to retire in the middle of the next year cannot be considered to be a bar against his transfer. His and his wife's ailments also cannot be made the basis to cancel his transfer as there is nothing on record to show that he and his wife cannot receive adequate treatment in Jind i.e. the place to which he has been transferred. In the absence of any mala fide, it can safely be presumed that the petitioner has been transferred for administrative reasons.

In view of the above, finding no merit in the present petition, the same is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

April 12, 2016
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