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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11194/2016 & CM Appln. No.43780/2016

CT/GD SATISH KUMAR Petitioner

Through Kunwar Arish Ali and Mr. S. M. Prasad,
Advocates.

versus

UNION OF INDIA AND ORS Respondents

Through Mr. Arun Bhardwaj, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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25.11.2016

This writ petition is directed against an office order No.T-IX.36/2016 ESTT.DA-5, dated 04.11.2016 passed by the respondent No.2 whereby the petitioner has been transferred to Chhattisgarh.

The transfer is resisted on the basis of a Standing Order No.01/2014, in terms whereof, the normal tenure of transfer in SDG/PDG is to be 4 years. There is no minimum tenure as sought to be contended by counsel. The normal tenure is four years. If exigencies demand, personnel may be transferred within a shorter time.

This is not a case of a single transfer. It is submitted that 19 persons have been transferred. It is not in dispute that the services of the petitioner are transferrable. Transfer is an incident of service.

We do not find any ground at all to interfere with the order of transfer.

The Standing Order, and in particular, paragraph 1(X) is, in our view, directory and not mandatory. In any case, the Writ Court in exercise of its extraordinary, discretionary jurisdiction under Article 226 of the Constitution of India of judicial review, does not sit in appeal over transfer orders issued to transferrable employees by employers, in exercise of administrative powers.

The writ petition is, therefore, dismissed along with CM Appln. No.43780/2016.

INDIRA BANERJEE, J

SANJEEV SACHDEVA , J

NOVEMBER 25, 2016
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