

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

**CWP-13539-2017
Date of Decision: 03.07.2017**

Sukhchain Singh

--Petitioner

Versus

Punjab State Power Corporation Limited and others

--Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.S. Gurna, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

Petitioner is serving on the post of Divisional Superintendent under the Punjab State Power Corporation Limited.

Challenge in the instant petition is to his transfer from Hoshiarpur to Special Division, Ludhiana vide order dated 26.05.2017.

Petitioner contends that the impugned transfer is in violation of the transfer policy issued vide memo dated 29.03.2010 by the erstwhile Punjab State Electricity Board, Patiala which is followed even as of date. As per transfer policy, the normal tenure of posting of an employee to the rank of Divisional Superintendent has been stipulated as four years. It is submitted that the petitioner had joined at Hoshiarpur only on 28.12.2016 and he has now been transferred within five months approximately. Even certain pressing family circumstances have been cited i.e. serious health ailment of the wife of the petitioner while raising a challenge to the impugned transfer order.

Counsel for the petitioner has been heard at length and the case paper-book has been perused.

It is by now well settled that transfer is an incidence of service. Decision with regard to transfer and posting of an employee is best left to the hands of the competent authority. Transfer orders would be open to challenge only if the same have been issued in violation of a statutory provision or the same being vitiated by malafide.

Terms/conditions/stipulations contained in a transfer policy do not vest any enforceable right in an employee. A reference in this regard may be made to the decision of the Hon'ble the Supreme Court in ***Union of India V/s. S.L. Abbas 1995 (4) SCT 455.***

Be that as it may, the respondent/competent authority is certainly obligated to keep in mind the transfer policy framed by the Government itself while issuing transfer orders. As such while declining to interfere in the instant petition, liberty is granted to the petitioner to approach respondent No. 2/competent authority as regards his grievance. It is directed that in case the petitioner prefers a representation within a period of one week from today, respondent No. 2 would be obligated to consider the same and to take a decision thereupon expeditiously in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.07.2017

Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No