

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

**CWP-13883-2017
Date of Decision: 03.07.2017**

Sukhdev Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. Sushil Saini, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA.J.

Petitioner who is serving as Superintendent Grade-II under the Irrigation Department, State of Punjab has filed the instant petition being aggrieved of his transfer from Canal Circle, Amrtisar to Canal Lining Division, Tarn Taran vide order dated 13.06.2017.

Argument raised by counsel is that the transfer of the petitioner is in violation of the transfer policy framed by the State Government and issued vide memo dated 11.04.2017 (Annexure P-3).

Towards such assertions, it is argued that transfer of the petitioner has been directed at a point of time when general transfer could not have been effected. Reliance has also been placed upon para 3 of the transfer policy to contend that date of superannuation of the petitioner is 31.10.2018 and as such the impugned order of transfer could not have been passed as the same is within two years of the age of retirement.

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 policy/guidelines do not vest in an employee any enforceable right.

Be that as it may. It is certainly obligatory upon the competent authority to keep in mind the terms and conditions of the transfer policy while issuing transfer orders. Reference in this regard may be made to the decision of Hon'ble the Supreme Court in *Union of India V/s. S.L. Abbas 1995 (4) SCT 455*.

As such while declining to interfere in the instant petition, liberty is granted to the petitioner to approach respondent No. 1/competent authority as regards his grievance of his transfer from Amritsar to Tarn Taran and in the eventuality of any such representation being preferred, the competent authority would be obligated to take a final decision thereupon expeditiously and in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.07.2017

Divyanshi

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