

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

CWP No.14067 of 2017

Date of Decision: July 03, 2017

Sadhna Sangar

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Om Pal Sharma, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner, who is serving on the post of Joint Director/Administration under the Department of Higher Education, State of Punjab, was posted as Principal of Government College , SAS Nagar, Mohali on 20.03.2017.

The instant petition has been filed impugning her transfer from Government College, SAS Nagar, Mohali to Government College, Derabassi in the light of order dated 27.06.2017 (Annexure P-2).

Counsel would submit that the transfer of the petitioner from SAS Nagar, Mohali to Derabassi, is in complete violation of the transfer policy dated 11.04.2017 (Annexure P-3). In support of such contention, it is brought to the notice of this Court that the

petitioner is a single lady and under the transfer policy, a special treatment/preference is accorded for single ladies. That apart, it is argued that the petitioner has been transferred from SAS Magar, Mohali after a period of only three months, whereas, under the transfer policy, normal tenure period of three years is envisaged. Yet another submission raised is that the date of retirement of the petitioner is 31.12.2018 and as such the impugned order of transfer could not have been passed within two years of the date of superannuation.

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

Transfer is an incidence of service. Matters of transfer/posting are best left to the adjustment of the employee. Orders of transfer would be open to challenge only if the same have been passed in violation of statutory provision or are vitiated by malafides. Terms and conditions contained in a transfer policy do not vest an enforceable right in an employee. A reference in this regard may be made to the decision of Hon'ble Apex Court in the case of ***Union of India Versus S.L. Abbas, 1995(4) SCT 455***.

Be that as it may, it is certainly obligatory for the employer/competent authority to keep in mind the transfer policy/guidelines framed by the State Government itself while effecting transfers.

As such, while declining to interfere in the matter,

liberty is granted to the petitioner to approach respondent No.1/competent authority as regards her grievance of transfer from SAS Nagar, Mohali to Derabassi. In the eventuality of any such representation being preferred, the competent authority would be obligated to consider the same and to thereafter take a decision thereupon expeditiously and in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.07.2017
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Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***