

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

**CWP-14180-2017 (O&M)
Date of decision:05.07.2017**

Kulbir Singh

... Petitioner

Vs.

Punjab State Power Corporation Limited & others

... Respondents

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

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The petitioner, who is serving as a Lineman under the Punjab State Power Corporation Limited assails his transfer vide order dated 05.06.2017 from Gurdaspur to Kapurthala.

The sole contention raised by counsel is that in the impugned order and in the column and remarks, it has been recorded that the transfer is in “**own interest**”. It is contended that no application seeking transfer had been submitted by the petitioner and as such, the transfer of the petitioner vide impugned order cannot be construed in “**own interest**”.

Counsel for the petitioner has been heard at length.

It is well settled that transfer is an incidence of service. Matters of transfer/postings are best left to the judgment of the employer. Orders of transfer are open to challenge only if the same have been passed in violation of the statutory provisions or are vitiated by malafides. A reference in this regard may be made to the decision of the Hon'ble Apex Court in **Union of India Versus S.L. Abbas, 1995(4) SCT 455.**

The undisputed position of fact which has also come forth is that

the petitioner had joined at Dinanagar at Gurdaspur in the year 2011 and it is after a period of 6 years that he has been transferred.

In every service under the State, the normal tenure of service stipulated is 3 years.

Under such circumstances, this Court does not find any basis to interfere in the impugned transfer of the petitioner.

Petition is dismissed.

05.07.2017

harjeet

(TEJINDER SINGH DHINDSA)

JUDGE

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| (i) | Whether speaking/reasoned? | Yes/No |
| (ii) | Whether reportable? | Yes/No |