

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.14347 of 2017 (O&M)

Date of Decision: 06.07.2017

Gaurav Kapil

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. Rajinder Goyal, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The petitioner, who is serving as a Veterinary Inspector under the Department of Animal Husbandry, State of Punjab assails the order dated 29.6.2017 (Annexure P-5) and in terms of which he has been transferred from Gurdaspur to Hoshiarpur.

Counsel would argue that earlier in point of time the petitioner had been transferred from Hoshiarpur to Gurdaspur on 28.6.2016 and in pursuance to which he had joined at Gurdaspur on 30.6.2016. However, such transfer order was canceled by the State Govt. and which was challenged by the petitioner by filing CWP No.14851 of 2016 in this Court and such order canceling the order of transfer of the petitioner from Hoshiarpur to Gurdaspur had been stayed. Counsel submits that in the light of such interim order having been passed by this Court, the petitioner had chosen to withdraw CWP No.14851 of 2016. It is contended that with a malafide intent the impugned order dated 29.6.2017 has been passed, whereby the petitioner has again been relocated and transferred out to Hoshiarpur. Yet another submission raised is that the transfer of the petitioner from Gurdaspur to Hoshiarpur would be in violation of the

Transfer Policy which envisages a normal tenure of posting of 3 years.

Counsel for the petitioner has been heard at length.

Transfer is an incidence of service. Orders of transfer would be open to challenge if they have been passed in violation of some statutory provision or are vitiated by malafides. Decisions with regard to transfers/postings are best left to the judgement of the employer. A reference in this regard may be made to the decision of the Hon'ble Apex Court in *Union of India and others Vs. S.L. Abbas, 1995(4) S.C.T.,455*.

In the present case, even though, a submission has been raised at the stage of arguments with regard to malafide but there are no averments in support of such contention. No person against whom malafides have been suggested has even been impleaded as party/respondent.

Even as regards the Transfer Policy framed by the State Govt. is concerned, suffice it to observe that terms and conditions contained in a Transfer Policy do not vest an enforceable right in an employee.

For the reasons recorded above, no basis for interference is made out.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

06.07.2017

lucky

Whether speaking/reasoned: Yes
Whether Reportable: Yes