

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

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CWP No.14611 of 2017 (O&M)

Date of Decision: July 11, 2017

Vinod Khosla

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Rakesh Sobti, Advocate
for the petitioner

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner, who is serving as Food Inspector under the Department of Food, Civil Supplies & Consumer Affairs, State of Punjab, has filed the instant petition assailing the order dated 29.06.2017 (Annexure P-3) to the extent of his transfer from Amritsar to Mansa.

Counsel would advert to a tabulation in Para 8 of the writ petition to assert that the petitioner has been repeatedly transferred i.e. five times in the last 3 ½ years.

It is argued that under the Transfer Policy framed by the State Government dated 11.04.2017, the normal tenure of posting is three years and as such, the impugned transfer is contrary to the policy itself. Another ground of challenge raised is that wife of the petitioner is a Government employee and is presently posted and

serving as a Staff Nurse at Amritsar and under the Transfer Policy itself, there is a specific provision to accommodate a couple at one place of posting.

Counsel for the petitioner has been heard at length.

Transfer is an incidence of service. Matters of transfer/posting are best left to the judgment of the employer. 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/guidelines 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 and formulated by the State Government itself while effecting transfers.

Under such circumstances, prayer of the counsel for withdrawal of the petition with liberty to approach the respondent authorities/ Competent Authority as regards his grievance against impugned transfers, is accepted.

Writ petition is disposed of as withdrawn.

Liberty is granted to the petitioner to approach respondent No.2 i.e. Director, Department of Food, Civil Supplies & Consumer Affairs, Punjab, as regards his grievance against the

transfer of the petitioner from Amritsar to Mansa. In the eventuality of any such representation being preferred, respondent No.2 would be obligated to examine the same in accordance with law and against the backdrop of the Transfer Policy framed by the State Government.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.07.2017
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Whether speaking/reasoned : **Yes/No**
Whether reportable **:** **Yes/No**