

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

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CWP No.14844 of 2017 (O&M)

Date of Decision: July 12, 2017

Hardeep Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. H.S. Dhindsa, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

The petitioner, who is serving on the post of Veterinary Inspector under the Department of Animal Husbandry, State of Punjab, has filed the instant petition impugning the order dated 06.07.2017 to the extent of his transfer from Gurdaspur to Hoshiarpur.

Counsel appearing for the petitioner, would advert to the certificates placed on record at Annexures P-1 & P-2 to submit that the petitioner is suffering from Hepatitis C and as such, is afflicted by a chronic disease. It is argued that under the transfer policy/guidelines, framed by the State Government, the petitioner is vested with the right to be accommodated at a particular place of posting where he can be afforded adequate medical treatment. That apart, it is argued that on 30.05.2016, the petitioner on request, had been adjusted at Gurdaspur from Pathankot and merely, a month thereafter i.e. on 04.07.2016, he was again transferred to Veterinary Hospital, Purana Shala, District Gurdaspur and now, after a period of almost one year, he is again sought to be relocated.

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 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 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 respondent-authorities to keep in mind the transfer policy/guidelines framed by the State Government itself while issuing transfer orders.

In view of the above, while declining to interfere in the matter, liberty is granted to the petitioner to approach the respondent-authorities/competent authority as regards his grievance of transfer from Gurdaspur to Hoshiarpur. In the eventuality of any such representation being preferred, respondent No.2 would be obligated to consider the same in accordance with law and against the backdrop of relevant transfer policy formulated by the State Government.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

12.07.2017

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

Whether reportable : ***Yes/No***