

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

**CWP-14862-2017 (O&M)
Date of decision:12.07.2017**

Amandeep Singh

... Petitioner

Vs.

State Punjab & others

... Respondents

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

Present: Mr. H.C. Arora, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The petitioner, who is serving on the post of Junior Assistant under the Department of Scheduled Castes, Backward Classes and Minorities Welfare, State of Punjab has filed the instant petition assailing his transfer from Khanna to Garhshanker vide order dated 30.06.2017 (Annexure P-6).

Counsel would submit that vide order dated 07.06.2017 (Annexure P-3), petitioner had been transferred from Samrala to Khanna and in pursuance to which the petitioner had joined at Khanna on 14.06.2017 (Annexure P-5). Merely, after a period of 14 days, petitioner has again been transferred vide impugned order from Khanna to Garhshanker.

It is argued that the impugned transfer of the petitioner is in violation of the transfer Policy formulated by the State Government and which envisages a normal tenure of 3 years at a particular place of posting. Counsel has during the course of hearing even raised a submission that the petitioner has been victimized at the hands of private respondent No.3.

Counsel for the petitioner has been heard at length.

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.**

Be that as it may, it is certainly obligatory for the respondent-authorities to keep in mind the transfer Policy/guidelines while issuing orders of transfer.

Accordingly, while declining to interfere in the instant petition, liberty is granted to the petitioner to approach respondent No.2 i.e. the Director, Scheduled Castes, Backward Classes and Minorities Welfare Department, State of Punjab as regards his grievance of transfer from Khanna to Garhshanker. In the eventuality of any such representation being preferred within a period of 5 days from today, respondent No.2 would be obligated to examine the same and to take a final view in the matter within a period of 10 days thereafter.

Assertion raised by counsel that till date, petitioner has not been relieved from the office of Tehsil Welfare Officer, Khanna is noted. If that be so, petitioner shall not be relieved from Khanna for a period of 15 days from today.

Disposed of.

12.07.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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