

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

142

CWP No.15371 of 2017

Date of decision: 17.07.2017

Satyabir & others

....Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Sumit Sangwan, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Petitioners challenge their relieving orders dated 06.07.2017 (Annexure P-1), on account of the transfer orders of other employees, on account of their suffering from chronic diseases from Charkhi Dadri Depot, wherein they were working as Conductors.

Counsel for the petitioners submit that the petitioners were to be given the benefit on account of they suffering from chronic diseases and the next senior-most employee was to be relieved. Reference has, accordingly, been made to Clause 3 of the transfer orders. Same reads as under:

“(3) In case, the longer stayee/against and vide versa happens to be an employee incapacitated due to accident etc. or suffering from chronic disease (himself) or spouse or dependent parents/legitimate children then the next senior most able bodied employee (medically fit) shall be relieved by the General Manager.”

The transfer orders are normally not to be interfered with by this Court, as they are passed on account of administrative exigencies and for the smooth running of the administration and it is settled proposition of law that in the absence of any *mala fides* or any legal vested rights, transfer orders are not to be interfered with lightly by this Court. The Apex Court in **State of U.P. & others Vs. Gobardhan Lal 2004 (2) RSJ 604** has held as under:

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“8. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.”

During the course of arguments, it has also been revealed that the petitioners have stayed in the said station for the last 6 years and on account of the relieving orders being passed, in view of the other employees having been transferred in their place, they are aggrieved. The said reason is another ground this Court would refrain to interfere with the said relieving orders.

Accordingly, the present writ petition stands disposed of, with liberty to the petitioners to approach the authorities concerned, for redressal of their grievance, in accordance with law.

17.07.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No