

CWP-15927 of 2017
Date of Decision: 21.07.2017

... Petitioners

... Respondents

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Reliance has been placed on memo dated 21.06.2017 (Annexure P-2), issued by the office of the Director Public Instructions (Secondary Education), Punjab which is in the nature of furnishing guidelines for general transfers in the Education Department during the year 2017-2018. It is contended that as per such guidelines at Annexure P-2, an employee was obligated to submit an application while seeking transfer and

in such application, at least 3 options of place of postings were to be furnished. Counsel even adverts to document placed on record at Annexure P-3 dated 22.06.2017 and in terms of which, the District Education Officer (Secondary Education), Gurdaspur had endorsed the guidelines contained in memo dated 21.06.2017 at Annexure P-2. It is vehemently argued that the petitioners herein had at no point of time submitted their applications for options in terms of the guidelines contained in memo dated 21.06.2017 at Annexure P-2 and as such, the impugned order of transfer cannot sustain.

The second ground of challenge raised is that the impugned transfer of the petitioners is vitiated by mala fides. In this regard, it is contended that the transfer of the petitioners has been directed on account of political vendetta and biased attitude of the Education Minister, who has been impleaded as party respondent No.4 by name.

Counsel for the petitioners has been heard and the pleadings on record have been perused.

In the considered view of this Court, no interference in the matter is called for.

Memo dated 21.06.2017 (Annexure P-2) upon which heavy reliance has been placed, is only for submission of options/applications at the hands of such employees of the Education Department who are '**desirous of transfer**'. Such a guideline can not be read to mean that the competent authority would be handicapped in terms of issuing transfer orders in administrative exigencies in respect of such employees who have not submitted their submissions/application in pursuance to memo dated 21.06.2017.

Even otherwise, memo dated 21.06.2017 (Annexure P-2) is

only in the nature of guidelines and the same do not vest any enforceable right in an employee. A reference in this regard may be made to the judgment of the Hon'ble Supreme Court in **Union of India Vs. S. L. Abbas, 1995(4), SCT 455.**

Even the submission raised by counsel as regards the impugned transfers having been directed on account of mala fides, the same is based on vague assertions made in paragraph 7 of the writ petition. The assertions made in para 7 of the writ petition have not been substantiated by any material for this Court to infer any mala fides. This view is further fortified in view of the response which Mr. Kapil Kakkar, Advocate gave on a specific query having been put to him, whereby he conceded that the petitioners by virtue of the impugned transfer order have been posted out after having served at Government Senior Secondary School, Dina Nagar, District Gurdaspur for a period in excess of 15 years.

This Court does not find any basis for interference in the impugned order. Writ petition is accordingly dismissed.

21.07.2017*rimpal***(TEJINDER SINGH DHINDSA)
JUDGE***Whether speaking/reasoned:**Yes/No**Whether Reportable:**Yes/No*