

CWP-16009 of 2017

Date of Decision: 24.07.2017

Gurpartap Singh

... Petitioner

Versus

State of Punjab & Ors.

... Respondents

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

Present:- Mr. S. S. Khaira, Advocate
for the petitioner.

....

TEJINDER SINGH DHINDSA.J.

The petitioner, who is serving as a drawing teacher under the Punjab State Education Department, has filed the instant petition impugning the order dated 15.07.2017 at Annexure-P-1 to the extent of his transfer from GHS, Udhowali Khurd, Gurdaspur to SSSS, Aulokhberi, Gurdaspur.

Counsel would contend that the impugned transfer of the petitioner is the out come of a political vendatta inasmuch as the petitioner owes his allegiance to one particular party whereas the other party has come into power and only to teach him a lesson that he is sought to be dislocated.

The submission and assertion made by counsel during the course of hearing is completely unsubstantiated in terms of pleadings and necessary averments. Even the political personality and at whose alleged behest the impugned transfer of the petitioner has been directed, has not been impleaded as a party respondent. Under such circumstances, there would be no occasion for this Court to infer mala fides so as to justify interference in an order of transfer.

Even otherwise counsel during the course of hearing and on a specific query having been put, very fairly states that the petitioner has now been transferred after having served for a period of 11 years on the previous place of posting.

It is by now well settled that transfer in an incidence of service. Orders of transfer are open to challenge only if the same have been passed in violation of a statutory provision or are vitiated by mala fides. Matters of transfer and posting are best left to the judgment of the employer.

No ground for quashing of the impugned order dated 15.07.2017 at Annexure P-1 directing transfer of the petitioner after having enjoyed a particular place of postings/station for eleven long years is made out.

Petition is dismissed.

24.07.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No