

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

**CWP-16601-2017 (O&M)
Date of decision: 28.07.2017**

Lakhbir Singh

... Petitioner

Vs.

State of Punjab & another

... Respondents

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

Present: Mr. K.D.S. Sodhi, Advocate for petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner, who is working as a Patwari under the Department of Revenue, State of Punjab has filed the instant petition assailing his transfer from Ballarwal, District Amritsar to Awan near Ramdass, District Amritsar vide order dated 10.07.2017 (Annexure P-1).

Counsel would argue that the petitioner has been a victim of frequent transfers and that the impugned transfer is in violation of the transfer policy/guidelines formulated by the State Government.

Counsel for the petitioner has been heard.

It is well settled that 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, the respondent-authorities/competent authority is certainly obligated to keep in mind the transfer policy while

issuing orders of transfer.

As such, while declining to interfere in the instant petition, liberty is granted to the petitioner to approach respondent No.2 i.e. the Deputy Commissioner-cum-District Magistrate/Collector, Amritsar as regards his grievance of transfer from Ballarwal, District Amritsar to Awan near Ramdass, District Amritsar.

In the eventuality of any such representation being preferred, respondent No.2 i.e. the Deputy Commissioner-cum-District Magistrate/Collector, Amritsar would be obligated to consider the same in accordance with law and against the backdrop of the transfer policy/guidelines formulated by the State Government.

Disposed.

28.07.2017*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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