

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

**CWP-16728-2017 (O&M)
Date of decision:31.07.2017**

Simranjeet

... Petitioner

Vs.

State of Punjab & others

... Respondents

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

Present: Mr. S.K. Arora, Advocate for petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner is serving as a Hindi Master under the Punjab State Education Department.

As per pleadings on record, petitioner was transferred from Government High School Jhandewala, District Moga to Government High School Mohan Ke Hithar, District Ferozepur on 25.05.2017. As per petitioner he was not being relieved from Government High School, Jhandewala, District Moga so as to join on the transferred station and accordingly, he filed CWP No.14093 of 2017 seeking directions to the respondent/authorities to allow him to join on the place of posting. Writ petition was disposed of on 03.07.2017 with the directions to the respondent-authorities/competent authority to decide a representation that the petitioner had preferred. Counsel submits that on 18.07.2017, petitioner was relieved from Government Senior Secondary School, Jhandewala, District Moga and joined at place of posting in Government High School Mohan Ke Hithar, District Ferozepur on 19.07.2017.

Grievance raised in the instant petition is that on the following date itself i.e. on 20.07.2017, petitioner has again been transferred to Government Senior Secondary School Hazara Singh Wala, District Ferozepur. It is argued that the post of Hindi Master did not even exist at such place of posting and the petitioner having apprised the respondent/authorities with regard to such situation, he has been temporarily adjusted and permitted to join in the office of the District Education Officer, Ferozepur City.

It is argued that the frequent transfer orders issued of the petitioner are against the terms and conditions of the transfer policy/guidelines formulated by the State Government.

Counsel for the petitioner has been heard at length.

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 writ petition, liberty is granted to the petitioner to approach the competent authority as regards his grievance against his transfer. In the eventuality of any such representation being preferred, respondent No.2 would be obligated to look into the matter and to thereafter take steps as deemed fit and warranted in

accordance with law.

Disposed of.

31.07.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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