

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

CWP No. 23106 of 2016 (O&M)

Date of decision: 17.5.2017

Rakesh Kumar Jhanji

...Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Aman Dhir, Advocate,
for the petitioner.

Mr. Surinder Garg, Advocate,
for the respondents.

JAISHREE THAKUR, J.

1. Additional affidavit of Mr. Malkeet Singh Sidhu, Additional Superintending Engineer, Operation Division, PSPCL, Abohar, Fazilka, on behalf of the respondents has been filed in Court today and the same is taken on record.
2. The petitioner herein seeks to challenge the order dated 05.07.2006 by which he stands transferred from Subdivision No. 2 Kapurthala Division to City Subdivision Malout against vacant post.
3. Mr. Aman Dhir, learned counsel for the petitioner, vehemently contends that the transfer of the petitioner is against the transfer policy of the Department insofar as he has been transferred three times within a short span of two months. By order dated 30.05.2016, the petitioner was transferred from Subdivision No. 3 Abohar Division to Malout Division

against vacant post. Thereafter, on 7.6.2016 the petitioner was transferred from Subdivision No. 3 Abohar Division to Sub Division No 2 Kapurthala Division against vacant and by the impugned transfer order dated 5.7.2016 he has again been transferred to Sub Division Malout. It is contended that the petitioner is residing with his wife Anita Rani who is also a government servant teaching at Government Model High School, with two children who are working. The wife of the petitioner keeps unwell and requires medical attention.

4. Per contra, Mr Surinder Garg, learned counsel appearing on behalf of the Corporation, has filed an additional affidavit of the Additional Superintendent Engineer, Operation Division, PSPCL stating therein that an order dated 07.06.2016 was passed by which a number of employees, including the petitioner, were transferred. After the passing of the order dated 07.06.2016, the petitioner again personally approached the respondent authorities to cancel his transfer order and to post him at a nearby place. It was on consideration of his request that the petitioner was ordered to be transferred from the Kapurthala to Malout that is nearby to his residence. It is also argued that the distance is only 30 km from his residence and, therefore, there is no harassment, as alleged. The first transfer order dated 30.05.2016 was passed on administrative grounds as the Department had received several complaints.

5. I have heard both the counsel for the parties and with their assistance have gone through the pleadings of the case.

6. As per the reply and the additional affidavit filed in court, the petitioner was initially transferred on 30.5.2016 on account of various

complaints received against him. Thereafter, when transfers being affected against several employees the petitioner got transferred too. It was on his own oral request that he was transferred back to a place closer to his residence. As noticed, the current place of posting of the petitioner is 30 km from his residence.

7. The law is well-settled that the order of transfer is an incidence of service and an administrative order should ordinarily not be interfered with, save in case where the employee can show malafide on the part of the authorities, when an order of transfer is passed in lieu of punishment. Reliance can be placed upon **S.C. Saxena v. Union of India & ors., (2006) 9 SCC 583, Chief General Manager,(Telecom) N.E. Telecom Circle and anr. v. Rajendra Ch. Bhattacharjee, (1995) 2 SCC 532** in this regard.

8. Apart from noticing that the petitioner has been posted closer home, this Court also takes notice of the fact that the impugned order transfer order was issued on 5.7.2016, whereas the instant writ petition has been preferred after a period of four months. In the instant case, there is nothing on the record to show that the action of the respondents in transferring the petitioner smacks of malafides for this Court to interfere.

9. Resultantly, the above noted writ petition being devoid of merit is hereby dismissed.

17.5. 2017
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No