

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.19753 of 2017(O&M)
Date of Decision: 01.09.2017

Shelly Babbar

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. Yogesh Kumar Aneja, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner is serving as an E.T.T Teacher under the Department of Education, State of Punjab and is presently posted at Govt. Primary School, Kot Isse Khan, Block Dharamkot, District Moga.

The instant petition has been filed seeking issuance of a Writ of Mandamus for directing the respondent authorities to adjust her at a place of posting/station in District Fazilka.

Counsel submits that marriage of the petitioner was solemnized with Sh. Shiv Karan in April, 2017 and who is also a Maths Teacher under the Education Department and posted at Karni Khera, District Fazilka. In support of the prayer made in the instant petition reliance has been placed upon a Transfer Policy dated 11.4.2017 at Annexure P-3. It is urged that under clause 2 (b) a preferential treatment as regards posting is envisaged where both husband and wife are in Govt. job. As per the relevant clause relied upon by the counsel where husband and wife are in Govt. job, they may be kept in the same station for five years as far as possible.

Having heard counsel for the petitioner at length, this Court is of the considered view that no interference in the matter is warranted.

Transfer is an incidence of service. It is by now well settled that terms and conditions contained in a Transfer Policy/Guidelines do not vest any enforceable right in an employee. Reference in this regard may be made to the decision of the Hon'ble Supreme Court in ***Union of India & others Vs. S.L. Abbas, 1995 (4) S.C.T 455***. Matters regarding transfer/adjustments at a particular place of posting/station are best left to the judgement of the employer.

In view of the above, while declining to interfere in the instant petition, liberty is granted to the petitioner to pursue her claim before the appropriate/competent authority.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.09.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No