

**121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-20030-2017

Date of Decision: September 05, 2017

Anil Kumar

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

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

Present : Mr. N.P.S. Mann, Advocate
for the petitioner(s).

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner is serving as a Panchayat Secretary in the Department of Rural Development and Panchayat, State of Punjab.

Petitioner is aggrieved of his frequent transfers.

Counsel submits that on 26.05.2017, petitioner was transferred from Fatehgarh Churian District Gurdaspur to Mamdot District Ferozepur. Thereafter, on 10.07.2017, petitioner was transferred from Mamdot District Ferozepur to Ajnala District Amritsar. Instant petition is now filed against the order dated 10.07.2017 and in terms of which petitioner stands transferred to Block Mansa, District Mansa. Precise argument raised is that frequent transfers i.e. 03 in numbers within a span of two months approximately, is violative of the Transfer Policy formulated by the State Government itself in which it is mentioned that a normal tenure of posting is three years. Further argued that the impugned order does not reflect any administrative exigency to justify a third transfer.

Counsel for the petitioner has been heard at length.

Transfer is an incidence of service. Matters of transfer/posting are best left to the judgment of the employer. Orders of transfer would be

open to challenge only if the same have been passed in violation of statutory provision or are vitiated by malafides. Terms and conditions contained in a transfer policy/guidelines do not vest an enforceable right in an employee. A reference in this regard may be made to the decision of Hon'ble Apex Court in the case of '*Union of India Versus S.L. Abbas, 1995(4) SCT 455.*'

Be that as it may, it is certainly obligatory for the employer/competent authority to keep in mind the transfer policy/guidelines framed and formulated by the State Government itself while effecting transfers.

Under such circumstances, while declining to interfere in the instant petition, liberty is granted to the petitioner to approach respondent No.2 i.e. Director-cum-Special Secretary to Govt. of Punjab, Department of Rural Development and Panchayats, Punjab against his transfer directed vide order dated 10.07.2017.

In the eventuality of any such representation being preferred, within a period of two days, respondent No.2 would be obligated to consider the same and take a final decision thereupon within a period of one week thereafter.

Status quo as regards place of posting of the petitioner, as it exists today, shall be maintained for a period of 10 days.

Disposed of.

A copy of this order be given to learned counsel under the signatures of the Bench Secretary of this Court.

September 05, 2017

(TEJINDER SINGH DHINDSA)
JUDGE

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No