

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.20665 of 2017(O&M)
Date of Decision: 12.09.2017

Ms. Pooja Malik

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. Mohit Garg, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner, who is serving as an Assistant Food & Supplies Officer under the Department of Food, Civil Supplies & Consumer Affairs, State of Punjab, has filed the instant petition assailing her transfer from Mohali to Balachaur, District S.B.S. Nagar vide order dated 4.9.2017 (Annexure P-5).

Counsel submits that the petitioner, who was earlier working as Inspector Grade-I was promoted to the post of Assistant Food & Supplies Officer on 22.12.2016 and joined the promotional post at Mohali on 4.1.2017. Further submitted that the petitioner is an unmarried lady.

Argument raised is that the impugned transfer of the petitioner from Mohali to Balachaur is in violation of the transfer policy dated 11.4.2017 (Annexure P-2). Clause 2(b) has been referred to and whereunder a preferential treatment is to be accorded to unmarried girls and widows while issuing transfer orders. Further contended that under the transfer policy a normal tenure of 3 years posting is contemplated, whereas the petitioner is sought to be transferred out of Mohali within a period of 8 months.

That apart, certain pressing domestic circumstances have been cited by averring that father of the petitioner is no more and she has to support her mother and two unmarried sisters and her permanent place of residence is at Panchkula.

Counsel for the petitioner has been heard at length and pleadings on record have been perused.

Transfer is an incidence of service. Matters of transfer/posting are best left to the judgement 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 the Hon'ble Apex Court in the case of *Union of India Vs. S.L. Abbas, 1995(4) S.C.T, 455*.

Be that as it may, it is certainly obligatory upon the respondent authorities/competent authority to keep in mind the transfer policy formulated by the State Govt. itself while issuing orders of transfer.

In view of the above, while declining to interfere in the instant petition, directions are issued to respondent no.1 to examine the grievance of the petitioner as regards her transfer from Mohali to Balachaur and to treat the instant petition itself as a representation. A final decision in this regard be taken within a period of one week from today.

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 furnished to learned counsel for the petitioner under the signatures of Bench Secretary.

(TEJINDER SINGH DHINDSA)
JUDGE

12.09.2017

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