

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.21279 of 2017(O&M)
Date of Decision: 18.09.2017

Bhawna Sharma

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner, who is serving on the post of P.T.I under the Punjab State Education Department, has filed the instant petition assailing the order dated 8.9.2017 (Annexure P-2) to the extent of her transfer from Khejewal (Kapurthala) to Govt. Senior Secondary School, Sunera (Jalandhar).

Counsel argues that the impugned transfer is in violation of the Transfer Policy/Guidelines issued by the State Govt. dated 11.4.2017 (Annexure P-3). Clause 3 of the Transfer Policy has been relied upon and which contemplates a complete ban of transfers after the expiry of period for general transfers. It is argued that the period for general transfers had already expired and thereafter transfers could have been directed only under extraordinary circumstances. As per counsel, no such extraordinary circumstance has been cited in the impugned order. Still further, counsel contends that under the policy itself i.e. under clause 2(b) there is a provision to accommodate husband/wife i.e. couple, who are in govt. service at the same place/station. It is urged that husband of the petitioner is an E.T.T Teacher and posted in Kapurthala district and even such aspect has been overlooked while passing the impugned order.

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*.

Upon a specific query having been put, counsel has very fairly conceded that the petitioner has already enjoyed a tenure in excess of 4 years at Khejewal (Kapurthala) prior to passing of the impugned order.

Under such circumstances, no interference in the matter is warranted. Petition, accordingly, is dismissed.

Suffice it to observe that dismissal of the instant writ petition would not preclude the petitioner from approaching the competent authority with regard to her grievance against the impugned transfer.

(TEJINDER SINGH DHINDSA)
JUDGE

18.09.2017
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No