

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

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**CWP-2328-2017
Decided on 08.02.2017**

INDER SINGH

....PETITIONER

VS

STATE OF HARYANA & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sandeep Goyat, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana

AJAY TEWARI, J.(Oral)

By this petition the petitioner has challenged his transfer order from Adampur Block to Dadri-II.

The fact of the case are that the petitioner was earlier posted at BDPO Hisar-I and first transferred vide order dated 06.10.2016 from Hisar-I Block to Adampur Block. The grievance of the petitioner is that respondent No.5 had served at Adampur Block for approximately 14 years and was earlier transferred vide order dated 06.01.2017 from Adampur to Dadri-II Block. Thereafter he succeeded in getting transfer order dated 31.01.2017 in his favour and he came back at BDPO Adampur. Thereafter the petitioner has transferred to Dadri-II Block.

From the record it transpires that out of total service of 21 years the petitioner has enjoyed 17 years of service in Hisar District and 03 years in Fatehabad District. To my mind, it is a case of the pot calling the

kettle black. The Supreme Court in the matter of Kendriya Vidyalaya Sangathan vs. Damodar Prasad Pandey, 2004 AIR (SC) 4850 has held as under:-

“4. Transfer which is an incidence of service is not to be interfered with by the Courts unless it is shown to be clearly arbitrary or vitiated by malafide or infraction of any prescribed norms of principles governing the transfer (see Ambani Kanta Ray vs. State of Orissa, (Suppl) 4 SCC 169). Unless the order of transfer is vitiated by malafide or is made in violation of operative guidelines, the Court cannot interfere with it. (see Union of India vs. S.L. Abbas 1993 AIR(SC) 2444. Who should be transferred and posted where is a matter for the administrative authority to decide. Unless the order of transfer is vitiated by malafide or is made in violation of operative any guidelines or rules the courts should not ordinarily interfere with it. In Union of India & Ors. Janardan Debanath & Anr. 2004 (4) SCC 245 it was observed as follows:

"No government servant or employee of a public undertaking has any legal right to be posted forever at any one particular place or place of his choice since transfer of a particular employee appointed to the class or category of transferable posts from one place to another is not only an incident, but a condition of service, necessary too in public interest and efficiency in the public administration. Unless an order of transfer is shown to be an outcome of malafide exercise or stated to be in violation of statutory provisions prohibiting any such transfer, the courts or the tribunals normally cannot interfere with such orders as a matter of routine, as though they were the appellate authorities substituting their own decision for that of the employer/management, as against such orders passed in the

interest of administrative exigencies of the service concerned.
This position was highlighted by this Court in National
Hydroelectric Power Corpn. Ltd. vs. Shri Bhagwan (2001) 8
SCC 574".

In the circumstances, I find no reason to interfere with the
impugned order. Petition stands dismissed.

08.02.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No