

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

135

CWP No.23746 of 2017 (O&M)

Date of Decision: 13.10.2017

Rajiv Nanda

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Navjot Singh, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner, who is serving as a Veterinary Officer under the Animal Husbandry Department, State of Punjab, has filed the instant petition impugning order dated 06.09.2017 (Annexure P-1) to the extent of his transfer from Veterinary Polyclinic, Mehedian, Fatehgarh Sahib to C.V.H. Dharowali, Gurdaspur.

Counsel submits that the petitioner had been transferred to Fatehgarh Sahib and joined on 31.05.2016 and after a period of mere 15 months is sought to be relocated. It is argued that the impugned transfer is contrary to the transfer policy/guidelines formulated by the State Government itself.

Counsel for the petitioner has been heard.

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 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 Government 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.6 to examine the grievance of the petitioner as regards his transfer from Fatehgarh Sahib to Gurdaspur 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

13.10.2017
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Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***