

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.26849 of 2017(O&M)
Date of Decision: 05.12.2017

Puja Jindal

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. N.S. Bhullar, Advocate for
the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner, who is serving as E.T.T Teacher under the Punjab School Education Department and is currently posted at a school under the Jalandhar district, has filed the instant petition seeking issuance of a Writ of Mandamus to be adjusted/transferred to a place of posting in Barnala district.

In support of the prayer made in the petition, counsel would in the first instance refer to a Transfer Policy dated 11.4.2017 (Annexure P-1) issued by the Govt. of Punjab, Department of Personnel (Personnel Policies Branch). Counsel refers to clause 2 (b) of such policy and wherein if both husband and wife are in govt. service, then, they are to be kept at one station for five years as far as possible. It is submitted that husband of the petitioner is a Punjab Govt. employee under the Department of Food, Civil Supplies & Consumer Affairs and is currently posted at Barnala. It is urged that under clause 2 (b) the present petitioner being the wife of a Punjab Govt. employee has a right to be adjusted/posted in Barnala district.

Reliance has also been placed upon memo dated 21.6.2017

(Annexure P-2) issued by the office of Director, School Education

Department and which is in the nature of instructions with regard to general transfers in the Education Department during the year 2017-2018 and under clause 13 thereof a preference/priority is envisaged to adjust both husband and wife doing job on the same station.

In a nutshell the prayer seeking transfer/adjustment of the petitioner from Jalandhar district to Barnala district is founded on the Transfer Policy/Instructions issued by the State Govt.

\ Having heard counsel for the petitioner at length, this Court is of the considered view that no interference in the matter is warranted.

It is by now well settled that terms and conditions contained in a Transfer Policy/Instructions do not vest any enforceable right in favour of an employee. A reference in this regard may be made to the judgement of Hon'ble Supreme Court in *Union of India & others Vs. S.L. Abbas, 1995 (4) S.C.T, 455*.

Even otherwise, matters with regard to transfer/adjustment of an employee at a particular place of posting would be within the domain of the employer. Ordinarily this Court would not delve into such matters.

For the reasons recorded above and while declining to interfere in the instant petition, liberty is granted to the petitioner to approach her employer/competent authority as regards her claim.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

05.12.2017

lucky

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