

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

**CWP No.467 of 2017 (O&M)  
Date of Decision:12.10.2017**

Surinder Pal Singh

... Petitioner

Vs.

Union of India and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI**

Present : Mr. Sandeep S. Majithia, Advocate for the petitioner.

Mr. Ashok Aggarwal, Sr. Advocate with  
Mr. Mukul Aggarwal, Advocate for respondents No.2 to 5.

Mr. Ashwani Talwar, Advocate with  
Mr. Akshay Bansal, Advocate for respondent No.6.

**P.B. BAJANTHRI J. (Oral)**

In the instant petition, petitioner has assailed the order of transfer/relieving dated 29.12.2016 (Annexure P-4).

Petitioner is stated to have been appointed as peon on 7.5.1995. Further he was promoted as Line Assistant. While working as such, he had demanded certain over time wages on two occasions on 1.12.2016 and 14.12.2016. There were no response from the respondents. On 29.12.2016, Head Office suo moto took action to transfer the petitioner from Panipat Unit (Haryana) to Vijaypur Unit (Madhya Pradesh).

Petitioner being aggrieved by the order of transfer presented this petition.

Learned counsel for the petitioner submitted that he is class-IV employee working in the Panipat Unit since 1995. The main reasons for transfer him from Panipat to Vijaypur is that he had demanded over time wages. It was further submitted that he being a class-IV employee directly

senior officer from the Head Office cannot pick him and transfer to one State to another State in the absence of information forwarded by local office vice versa. Therefore, somebody is behind the petitioner's transfer. Thus, there is a vindictiveness in the petitioner's transfer. It was further submitted that persons who were working from 1986-87 were not disturbed and petitioner has been chosen to transfer. In other words, there is no yardstick in transferring a class-IV employee from one State to another State. Moreover, no reasons have been assigned in the order of transfer. Therefore, transfer order is liable to be set aside.

Per contra, learned senior counsel for respondents No.2 to 5 submitted that order of transfer is in the public interest as is evident from the proposal made by Senior Manager (HR) dated 28.12.2016. It was further contended that as per clause 14 of the order of appointment, it is crystal clear that petitioner is liable to be transferred to any of the offices of the respondents. Since transfer of the petitioner is in the administrative exigencies, question of interference by this Court do not warranted and so also petitioner has not made out case to interfere with transfer order.

Learned counsel for respondent No.6 submitted that he has been impleaded by name without there being any material to support the allegation. To that extent, an affidavit of respondent No.6 is placed on record. In the absence of supporting material, alleged allegation made against respondent No.6 cannot be gone into.

Heard learned counsel for the parties.

Interference with the order of transfer of an employee by the Court is very limited since on the administrative side the employer would take a decision as is evident from the noting of Senior Manager (HR) dated

28.12.2016. In other words, suo moto action has been taken to transfer the petitioner from Panipat to Vijaypur. However, at the same time one has to see the other factors for interference. Undisputedly, petitioner is a class-IV employee. For the purpose of transfer of class-IV employee from one State to another State, it would be too harsh. Moreover, there is no proposal from local office either from Panipat or Vijaypur in particularly transferring petitioner. Picking class-IV employee directly from the Head Office may not be correct for the reasons that persons who are sitting in head office may not be aware of the class-IV employees service condition etc., who were working in local office. At the best, they may have service particulars of the class-IV employees. Therefore, it is evident that it is not in public and administrative interest. Transfer has been effected due to some extraneous reasons. That apart, petitioner had demanded certain over time wages in the month of December 2016 on two occasions that may have resulted in his transfer. Moreover, the persons who are appointed much earlier to the petitioner and who were working in Panipat Unit from 1983 to 1990 have not been displaced. In other words, reasons have also not been stated as to why senior Manager of the HR from the Head Office has picked up the petitioner for transfer. Faced with these facts and circumstances, order of transfer is not in public and administrative exigencies. Accordingly, order of transfer dated 29.12.2016 (Annexure P-4) is set aside.

Petition stands allowed.

12.10.2017  
rajeev

**(P.B. Bajanthri)**  
**Judge**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**