

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

CWP-16503-2018

Date of decision-09.07.2018

Rakesh Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gaurav Kalsi, Advocate for
Mr. H.S.Batth, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 02.07.2018 (Annexure P-2) passed by respondent No.2 whereby the posting of the petitioner on promotion have been cancelled and she has been transferred to Medical College, Amritsar.

It is contended that vide order Annexure P-1, the petitioner was promoted to the post of Multipurpose Health Supervisor (Female) and transferred to Medical College, Amritsar. However, in order to adjust respondent No.3 against a favourable place of posting, the said order was superseded by impugned order (Annexure P-2). The petitioner, aged 53 years, has to travel more than 180 kms. which causes great hardship to her.

I have heard learned counsel appearing on behalf of the petitioner and have gone through the case file.

The transfers made in public interest which is not actuated by

malice or bias cannot be challenged in the Court of law as a matter of routine. Transfer of an employee in public interest or for administrative reasons is the sole domain/prerogative of the competent authority. In the instant case, except the bald assertion of the petitioner, there is nothing on record to suggest that the impugned transfer order dated 02.07.2018 (Annexure P-2) smacks *mala fide*. It is the case of the petitioner that distance between the present place of posting, i.e. Government College Amritsar to PHC, Machhiwara is more than 180 kms. and she being a lady has no relative or known persons at Machhiwara. It is now axiomatic that an employee cannot take such a plea especially when there is no violation of any rules or instructions issued by the State. There are no valid reasons to interfere with the impugned transfer order which is legal and sustainable.

It is too late in the day for any government servant to contend that once appointed or posted in a particular place or position, he/she should continue in such place or position as long as he/she desires. Transfer of any employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary in the law governing or conditions of service. Reliance in this regard can be placed on the law laid down by Hon'ble the Supreme Court in "**State of UP and others Vs. Gobardhan Lal**", 2004(2) S.C.T. 368. The Court feels that the impugned order made even in transgression of administrative guidelines cannot also be interfered with as they do not confer any legally enforceable rights in favour of the employee.

Thus, in view of the above discussion and the case law cited above, this Court is not inclined to interfere in the impugned order.

Consequently, the present writ petition sans merit and is hereby dismissed.

(JITENDRA CHAUHAN)
JUDGE

09.07.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No