

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.4922 of 2018

Date of Decision:-28.02.2018

Jaswant Singh Dhillon.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. D.S. Patwalia, Senior Advocate assisted by
Mr. Harmanpreet Sehgal, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner who is working as Assistant District Transport Officer with the Department of Transport, Punjab, is aggrieved against the order dated 22.02.2018 (P-9) vide which he has been transferred from Gurdaspur to Ferozepur.

Learned Counsel for the petitioner has argued that the transfer of the petitioner is in complete derogation and violation of transfer policy dated 11.04.2017 (P-10), being his 12th transfer within a span of six years and further the same being issued 09 months prior to the date of his superannuation. It is further argued that the petitioner has not even completed the period of 04 months at the current place of posting, however, he is being sought to be transferred again vide impugned order. Thus,

prayer has been made for setting aside the order dated 22.02.2018.

I have heard learned Counsel for the petitioner and perused the paper book with his able assistance.

It is apparent from the writ petition that the State of Punjab has issued guidelines for the transfer and posting of government employees during the year 2017-18. It is seen that such guidelines are directory in nature and are not mandatory as such. It is further observed from the said Policy that there is no complete embargo upon the concerned Authority to order the transfer of petitioner from the current place of posting prior to his completion of three years. A perusal of paragraph no.8 of the writ petition coupled with previous transfer order **Annexures P-1 to P-6 (colly)** would show that the 12 transfers, as alleged by the petitioner are as a matter of fact an internal adjustment due to exigencies, which have not been challenged by him at any point of time. In any case, on a pointed query to the counsel for the Petitioner, it has been stated that the wife of the petitioner is residing in Amritsar and holding a government post and the children of the petitioner are also settled there. Meaning thereby, no serious prejudice has been caused to the petitioner.

Admittedly, there is no allegation of any malafide against any of the respondents for giving him a “step motherly” treatment. In fact, the impugned order (P-9) would reveal that it is a general order in view of the administrative requirements and public interest whereby , the petitioner has been transferred along with other employees. The said order has been passed in due regard to the nature of duties dispensed by the employees. No material has been shown to this Court, whereby there is an embargo upon the transferring authority to transfer the petitioner when he is left with only 09 months of service.

It is to be seen that a transfer order can only be challenged in case there is a serious prejudice caused to an employee, where it is shown to the Court that the said transfer would lead to a situation whereby an irreparable loss would be caused, either to the employee or to his family members or the order is a result of some extraneous consideration. As observed above, the case of the petitioner does not fall within any of the above said category. Transfer is an incident and not a condition of service; and the cadre to which petitioner belongs is, concededly, liable to serve anywhere in the State.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 28, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>