

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 112 of 2019(O&M)
Date of decision : 31.05.2019

Ram Vilas Singh

..... Petitioner

versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Kunal Mulwani, Advocate for the petitioner.

Mr.Satya Pal Jain, Addl. Solicitor General of India with
Mr.Shivoy Dhir, Advocate
for the respondent-UOI.

ARUN MONGA , J. (ORAL)

Impugned herein is the transfer order of the petitioner pursuant
whereto he has been transferred from Chandigarh to Arunachal Pradesh.

Learned counsel for the petitioner heavily relies on the Last Leg
Posting clause of the Transfer Policy(Annexure P-6). Relying thereupon
learned counsel submits that the petitioner was not given the choice of Last
Leg Posting since he was having less than six years of service as on the date
of the impugned transfer order.

Per contra, learned Additional Solicitor General of India
submits that vide detailed speaking order dated 09.10.2018 (Annexure P-9)
the said request of the petitioner was duly considered and it was observed
that he may apply for the Last Leg Posting by giving choice of three

different stations after joining at his place of transfer i.e. at Arunak, Arunachal Pradesh. Notwithstanding, the petitioner has been unlawfully not reporting at the place of transfer. He submits that is despite the fact that no interim stay has been granted by the Court, he has not joined at his new place of posting though he was relieved on 04.07.2018 from the current place of posting and, therefore, writ petition be dismissed in view thereof.

Apart from being in agreement with the learned Additional Solicitor General, I am of the view that even otherwise, the transfer matters being matters of administrative exigencies cannot be interfered with in routine by this Court under Article 226 of the Constitution of India. It is not the case of the petitioner that the respondents have passed the transfer order in any mala fide manner or there is any malice qua the petitioner by any of the superior officer.

In the premise, the writ petition is disposed of with a direction to the petitioner to give his choice as per speaking order, Annexure P-9.

Disposed of in the above terms.

Since the main case has been decided, the pending Civil Misc. Application, if any, shall also stand disposed of.

**(ARUN MONGA)
JUDGE**

31.05.2019
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No