

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

CWP No.2125 of 2019
Date of decision:-25.01.2019

Harpreet Kaur

.....Petitioner

versus

State of Punjab and others

.....Respondents

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

Present:- Mr. Bikramjit Aroua, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

The petitioner who is serving on the post of Building Inspector (Technical) has filed the instant petition assailing the order dated 09.01.2019 issued by the Director, Local Government Punjab (Annexure P-2) to the extent of her transfer from Municipal Corporation Amritsar to Municipal Corporation Moga.

Counsel submits that the impugned transfer has been directed not on account of any administrative exigency but the same is a fall out of a complaint that had been lodged in the month of July 2018 against one Narender Sharma, Municipal Town Planner, levelling allegations of sexual harassment. It is urged that pursuant to the complaint, matter had been examined by the internal complaints committee and thereafter an FIR had been lodged against Narinder Sharma on 16.10.2018. It is sought to be contended that Narinder Sharma is the blue eyed boy of certain political high ups and it is on account of such reason that the petitioner has been

displaced from Amritsar.

The impugned transfer is stated to be in violation of the Transfer Policy framed by the State Government Personnel Department dated 23.04.2018. As per Clause 2 (a), three options for preferred places of posting are to be sought from different categories of employees including unmarried girls and widow ladies. It is vehemently contended that the petitioner is unmarried and no option has been sought from her as per Clause 2(a) of the transfer policy and under such circumstances the transfer from Amritsar to Moga cannot sustain.

Having heard counsel at length and having perused the pleadings on record, this Court is of the considered view that no basis for interference is made out.

It is by now well-settled that transfer policies issued by the State Government do not have the force of law. Such transfer policies and the terms and conditions contained therein are only to serve as guidelines. Terms and conditions of the transfer policy do not vest in an employee any enforceable right. A reference in this regard may be made to the judgment of the Apex Court in **Union of India & others Vs. S.L. Abbas, 1995 (4) S.C.T., 455.**

Even though a contention has been raised that the impugned transfer order has been passed with an oblique motive and being mala fide and on account of the influence that one Narinder Sharma, wields on account of his proximity to certain political high ups but such contention and submission cannot be entertained and examined since no particulars in this regard have been furnished. The so-called political high ups at whose instance the impugned transfer has been directed, have neither been named

nor have been impleaded as party respondents. Even Narinder Sharma is not a party respondent in this writ petition. Allegations of colourable exercise of power under such circumstances cannot be gone into.

Another aspect that has weighed by this Court while declining to interfere is that the petitioner concededly has been serving at Amritsar since her initial date of appointment in the year 2014. Transfer after all is an incidence of service. It is after having served at one station continuously for a period of almost five years that the petitioner has now been transferred to Moga.

No infirmity is found in the impugned transfer.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

25.01.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No