

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

CWP-7742-2019

Date of decision:-20.03.2019

Pardeep Balu

.....Petitioner

versus

State of Punjab and others

.....Respondents

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

Present:- Mr. Malkeet Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner is serving on the post of Environment Engineer under the Punjab State Pollution Board.

Instant petition has been filed assailing his transfer from Regional Office, Faridkot to Zonal Office, Bathinda.

Counsel would argue that the petitioner had joined at Faridkot only 7 to 8 months prior in point of time and as against a normal tenure of posting of 3 years he has sought to be relocated in terms of passing of the impugned order dated 08.03.2019 at Annexure P-4. Ill-health has also been cited by submitting that the petitioner is a heart patient and also suffers from Diabetes. In the year 2014, petitioner had undergone a bypass surgery and by virtue of the impugned transfer it would be very difficult for the petitioner to travel as also to get necessary medical attention/treatment. Yet another submission raised by counsel is that the transfer of the petitioner is not on account of any administrative exigency but only to accommodate respondent No.3 at Faridkot and who happens to be close to a particular political personality Sh.Sher Singh Ghubaya.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that

no basis for interference is made out.

There would be no occasion for this Court to even examine the allegations of *mala fides* as also proximity of respondent No.3 with any politician. Such view is being taken as the person with whom proximity is alleged has not even been made a party respondent in the instant writ petition.

All contentions and assertions in such regard are as such liable to be discarded.

Transfer is an incidence of service. Matters of transfer/posting are best left to the judgment of the employer. Orders of transfer would be open to challenge only if the same have been passed in violation of statutory provision or are vitiated by malafides. Terms and conditions contained in a transfer policy/guidelines do not vest any enforceable right in an employee.

At this stage counsel would submit that a request has already been made before the superior authorities/employer to adjust the petitioner at Ludhiana as there is a vacant post available and which would facilitate further medical attention/treatment of the petitioner.

In view of the above and while declining to interfere in the impugned transfer of the petitioner, it is observed that it would be open for the petitioner to pursue his request for being adjusted on the post of Environment Engineer at Ludhiana.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

20.03.2019

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No