

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

LPA-686-2019 (O&M)
Date of decision:- 02.04.2019

Nirmal Singh

...Appellant

Versus

Union of India and others

...Respondents

with LPA-687-2019, LPA-688-2019 & LPA-689-2019.

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Ajay Pal Singh Rehan, Advocate,
for the appellants.

Mr. Sudhir Nar, Advocate,
for respondents No. 1 to 4 in LPA-686-2019.

Ms. Gehna Vaishnavi, Advocate,
for the respondents in LPA-687-2019.

Ms. Anita Balyan, Advocate,
for respondents No. 1 to 4 in LPAs-688 & 689-2019.

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KRISHNA MURARI, C.J. (ORAL)

These four intra court appeals under clause X of the Letters Patent arising out of the common judgement and order dated 21.02.2019 passed by learned Single Judge dismissing the writ petitions filed by the petitioners (appellants herein) have been heard together and are being disposed of by this common order.

2. The appellants are employed with the Indian Army. They were deployed as driver, cleaners, and vehicle mechanic. Aggrieved by the orders of transfer, they approached this Court challenging the same on the ground that their transfers have been made in violation of instructions/policy No. 9/2013. A

perusal of the policy being relied upon itself goes to show that stations have been divided into four regions and it further provides that while effort would be to transfer an individual within the units located in a region, but they can be transferred outside the region as well. The policy does not place any bar over transfer outside the region. Learned Single Judge relied upon another Single Bench judgement of this Court dated 13.11.2018 rendered in a bunch of writ petitions the leading case being CWP-27204-2018 titled as *Achhar Singh and others Vs Union of India and others* analyzing the policy and holding that the transfer is an incidence of service and violation of the instructions, if any, do not vest enforceable right to invoke writ jurisdiction for cancellation of the transfer orders. We are also of the considered opinion that these instructions do not create any vested right in an employee to challenge the transfer as the same are only guidelines in nature and cannot be enforced through a process of writ.

3. In view of the above facts and discussion, we do not find any good ground to interfere with the judgement of the learned Single Judge and the appeals being devoid of merits stand dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.04.2019
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No