

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

CWP No.17747 of 2019 (O&M)

Date of decision:-04.07.2019

Malkit Singh

.....Petitioner

versus

State of Punjab and others

.....Respondent

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

Present:- Mr. Rajvir Singh Sihag, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner who is serving on the post of Sanitary Inspector has filed the instant petition assailing the order dated 28.06.2019 (Annexure P-2/T) to the extent of his transfer from Municipal Corporation Pathankot to Municipal Corporation Phagwara.

The sole contention raised by counsel is that the transfer is in violation of a transfer policy dated 23.04.2018 (Annexure P-1). Counsel adverts to Clause 1.2 (c) of the Policy regulating tenure of posting and in which it has been stated that an official of Group-C should not be transferred from his seat before a minimum period of two years. It is contended that petitioner had joined at Pathankot in May 2018 and it is only after a period of 14 months that he has sought to be relocated to Phagwara.

Having heard counsel for the petitioner, this Court is of the considered view that no intervention in the matter is warranted.

Transfer is an incidence of service. Orders of transfer are open

to challenge if the transfer has been effected out of the cadre, the order of transfer has been passed by an authority who is not competent to do so or that the transfer is vitiated by *mala fides*.

In the present case only ground of challenge is that the impugned transfer is in violation of stipulation contained in a transfer policy. It is equally well-settled that terms and conditions/stipulations contained in a transfer policy do not vest any enforceable right.

It is not even the case made out on behalf of the petitioner that the impugned order has been passed by an authority who lacks competence or that the transfer has been directed with a *mala fides* intent.

No merit

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

04.07.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No