

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

**CWP No.25618 of 2017 (O&M)
Date of Decision : 21.02.2019**

Nirmal Singh

...Petitioner

versus

Union of India and others

...Respondents

CWP No. 25619 of 2017

Umesh Kumar

...Petitioner

versus

Union of India and others

...Respondents

CWP No. 27007 of 2017

Raj Pal Singh

...Petitioner

versus

Union of India and others

...Respondents

CWP No. 23727 of 2018

Harjinder Singh

...Petitioner

versus

Union of India and others

...Respondents

CWP No. 23752 of 2018

Sukhwinder Singh
versus
Union of India and others
...Petitioner
...Respondents

CWP No. 23864 of 2018

Bhupinder Singh
versus
Union of India and others
...Petitioner
...Respondents

CWP No. 25061 of 2018

Moti Lal
versus
Union of India and others
...Petitioner
...Respondents

CWP No. 25779 of 2018

Rajesh Kumar
versus
Union of India and others
...Petitioner
...Respondents

CWP No. 26465 of 2018

Bunty Kumar
versus
Union of India and others
...Petitioner
...Respondents

CWP No. 26473 of 2018

Janak Raj

...Petitioner

versus

Union of India and others

...Respondents

CWP No. 27210 of 2018

Jaspal Singh and others

...Petitioners

versus

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. A. P. S. Rehan, Advocate,
for the petitioner(s).

Mr. Sudhir Nar, Senior Panel Counsel,
for Union of India in
CWP Nos.25618 & 25619 of 2017,
CWP No. 25061 & 25779 of 2018.

Mr. Anil Chawla, Advocate,
for Union of India in
CWP No. 27007 of 2018.

Ms. Anita Balyan, Advocate,
for respondent(s) in
CWP Nos.23727, 23752, 23864 of 2018.

Ms. Gehna Vaishnavi, Advocate,
for the respondent(s) in
CWP Nos.26465 & 26473 of 2018.

Mr. O. P. Dabla, Advocate,
for the respondent (s) in
CWP No. 27210 of 2018.

ARUN MONGA, J. (ORAL)

1. This order of mine shall dispose of 11 writ petitions. The petitioners are employees of Indian Army, who were deployed as civilians, as well as cleaners. All of them are aggrieved against the transfer orders passed by the respondent(s), whereby they have been directed to be transferred as per the Transfer Policy dated 06.03.2014 (Annexure P-3). For the sake of brevity, facts are drawn from CWP No.25618 of 2017.

2. It would be instructive to extract the relevant of the said transfer policy which is reproduced herein below :

“5. Individuals will be turned over based on their service profiles, filed and peace profiles and Qrs, wherever applicable. While the effort will be to turn over an individual within the units located in a region, they may be turned over outside the region also. For the purpose, the region-wise distribution of stations will be as under :-

(i) Southern Region- Chennai, Pune & Mumbai

(ii) Eastern Region – Siliguri, Bengdubi and Missamari

(iii) Northern Region- Jammu, Kandrori, Pathankot, Jalandhar, Bathinda and Kalka.

(iv) Central Region- Mathura, Bhopal, Allahabad Jodhpur and Jaipur.”

3. A perusal of the above makes it amply clear that at the time of very appointment, they were aware that they can be deputed/transferred within the country, as also outside the

country, depending upon the service requirements by their employer.

4. Learned counsel for the respondent-Union of India has drawn my attention to the recent judgment rendered by this Court in CWP No. 27204 of 2018 titled as, "Achhar Singh and others v. Union of India and others", wherein it has been held as under :-

" A perusal of the order reveals that as per the Policy, Civilian Employees like the petitioners have the liability to serve anywhere in India. It is conceded that all the petitioners have exceeded their tenure periods permitted for Peace Stations and were thus liable to be transferred. Para 5 of the order reveals necessity for affecting the transfer orders, which reads as under :

" Further considering posting in r/o above mentioned indls anywhere within the zone/region is not feasible in order to route Civil GT pers from field to peace, keeping in view of crucial role of Civil Motor Drivers in field area located in Eastern and Northern region, in extending assistance to fighting troops which is having paramount importance to the security of nation and in accordance with policy on the subject their posting was issued to field area as their peace tenure has already been overshooted long back. As they were staying since long time in the same peace unit and therefore to rotate Civil Motor Drivers from field to peace, their posting order were issued from peace station to field station on turnover basis.

In view of the above that the transfer is an incidence of service and violation of the instructions, if

any, do not vest enforceable right, this Court is not inclined to invoke writ jurisdiction for accepting the prayer for cancellation of the transfer orders moreso in view of the reasons for such transfers.”

5. I am in respectful agreement with the above observations and findings rendered by a co-ordinate Bench of this Court and therefore, see no ground to interfere with the impugned order of transfer(s) passed by the respondent(s) in these writ petitions.

6. In view of the foregoing observations, all these writ petitions are hereby dismissed. No order as to costs.

(ARUN MONGA)
JUDGE

FEBRUARY 21, 2019
shalini

1.	Whether speaking/reasoned :	Yes/No
2.	Whether reasoned :	Yes/No