

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

**CWP-23546-2019 (O&M)  
Date of Decision:30.08.2019**

Anil Kumar

... Petitioner

Versus

Punjab State Power Corporation Ltd. & others

... Respondents

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

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

....

**TEJINDER SINGH DHINDSA, J. (ORAL)**

Petitioner who is serving on the post of Deputy Chief Auditor under the Punjab State Power Corporation Limited has filed the instant writ petition assailing the office order dated 14.08.2019 (Annexure P-1) to the extent he has been transferred from Amritsar to Bathinda.

Counsel has raised a two fold submission. It is submitted that petitioner is due to superannuate on 31.07.2021 and under such circumstances, the petitioner ought not to be transferred as he has less than two years of service left. Reliance has placed upon the transfer guidelines issued by the respondent/Corporation and as per which an employee who is on the verge of retirement should not be displaced. Yet another submission raised by counsel is that the transfer of the petitioner is vitiated by the *malafides* inasmuch as it has been directed only to accommodate Gurpal Singh/respondent No.4.

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

Transfer is an incidence of service. Terms and conditions

contained in a transfer Policy do not vest an enforceable right in an employee. A reference in this regard may be made to a decision of the Apex Court in **Union of India Vs. S.L. Abbas, 1995 (4) SCT 455.**

Strictly construed petitioner is not on the verge of retirement. The impugned order has been passed on 14.08.2019 and the age of superannuation of the petitioner is 31.07.2021. In other words, he still has a service tenure of 23 months approximately.

The assertion as regards the impugned transfer having been made to accommodate private respondent No.4 is also not substantiated. Undoubtedly, the transfer has been directed by the competent authority. There are no averments to show proximity between respondent No.4 and the competent authority so as this Court to infer that the petitioner has been transferred to Bathinda only to accommodate respondent No.4.

No patent infirmity in the order dated 14.08.2019 (Annexure P-1) to the extent of transfer of the petitioner from Amritsar to Bathinda is made out.

Writ petition is dismissed.

**30.08.2019***harjeet***(TEJINDER SINGH DHINDSA)  
JUDGE**

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |