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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1563/2019 & C.M. No. 7229/2019

DEEP CHAND

..... Petitioner

Through: Mr. R.D. Upadhyay, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. Ajay Digpaul, CGSC for R-1 to R-5.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

15.02.2019

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The petitioner assails the order dated 01.02.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 302/2019.

The petitioner had preferred the said Original Application questioning his transfer vide order dated 07.12.2018 from Jalandhar to Kolkata. He also challenged the letter dated 18.01.2019 whereby his representation against his transfer was rejected. The Tribunal has rejected the Original Application by placing reliance on the judgment of the Supreme Court in ***Rajendra Singh & Ors. v. State of U.P. and Ors***, (2009) 15 SCC 178, wherein the Supreme Court has held that a Government servant has no vested right to remain posted at a place of his choice, nor can he insist that he must be posted at one place or another. The Supreme Court further observed that the Courts

are always reluctant in interfering with the transfer of an employee unless such transfer is vitiated by violation of some statutory provisions or suffers from mala fides. This was so held in ***Shilpi Bose (Mrs.) & Ors. V. State of Bihar & Ors.***, AIR 1991 SC 532.

The transfer of the petitioner from Jalandhar to Kolkata is a routine transfer and it was for the administration to decide as to where he should be posted in the exigencies of service.

The submission of the petitioner that his father is old and ailing, was taken into account when he was transferred to Jalandhar which is proximate to Delhi. However, he cannot continue to remain either in Jalandhar or seek a transfer to Delhi on that account again. The petitioner, joined the service, knowingly well that his service is transferable.

In our view, the impugned order does not call for interference.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 15, 2019

N.Khanna