

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3436-2020 (O&M)
Date of Decision: 07.02.2020

Robin Kumar

--Petitioner

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. Fatehjeet Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner, who is serving on the post of Junior Assistant under the Punjab School Education Board has filed the instant petition being aggrieved of his transfer from Sri Muktsar Sahib to Mohali vide order dated 30.1.2020 issued by the Secretary, Punjab School Education Board (Annexure P-1).

A two fold submission has been made. It is contended that the petitioner has been a victim of frequent transfers inasmuch as having been issued transfer orders five times in a span of approximately one year. Second submission raised is that the transfer is in violation of the Transfer Policy/Guidelines dated 11.4.2017 issued by the Punjab Govt., Personnel Department (Annexure P-2) as the impugned transfer would amount to a mid term transfer.

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

Even though, in paragraphs 5 to 8 of the writ petition averments have been made with regard to the previous transfer orders between 8.10.2018 and 16.7.2019 but the same would show that on each occasion the petitioner had been transferred out of Sri Muktsar Sahib to Ludhiana and

within a few days/weeks such transfer was canceled. A specific query was put to counsel as to whether the orders of transfer had been canceled at the behest of the petitioner. A candid response has come forth that the petitioner had submitted applications/representations against his transfer out of Sri Muktsar Sahib. It, thus, emerges that the petitioner has made every effort to retain his place of posting at Sri Muktsar Sahib and it is on his request that the earlier transfer orders posting him to Ludhiana had been canceled. Under such circumstances, the assertion as regards petitioner being a victim of frequent transfers is not well founded.

As regards the Transfer Policy/Guidelines at Annexure P-2 are concerned, suffice it to observe that the terms and conditions contained in a Transfer Policy do not vest any enforceable right in favour of an employee.

Transfer is an incidence of service. A transfer would be open to challenge only if such transfer has been directed by an authority, who is not competent to do so, if the transfer is in violation of any statutory provision or is vitiated by malafides. The challenge set forth in the instant petition is not covered by any of such parameters.

Petition, accordingly, is dismissed.

The order was dictated in Open Court.

At this stage, counsel would interject to submit that there are other compelling circumstances which ought to be taken into account by this Court. In such regard it is urged that father of the petitioner is keeping unwell and that the petitioner has a minor daughter aged 2 years and as such, a sympathetic view be taken.

With regard to such submissions, it would be open for the petitioner to approach the employer for any accommodation as regards place of posting.

(TEJINDER SINGH DHINDSA)
JUDGE

07.02.2020

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No