

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

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CWP No.5390 of 2020 (O&M)

Date of decision:28.02.2020

Ramesh Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

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

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Digvijay Singh, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner who is serving on the post of Assistant Professor, Hindi, under the Haryana Education Department has filed the instant petition assailing the order dated 19.02.2020 (Annexure P-4), whereby, he stands transferred from Government College for Girls, Palwal (Kurukshetra) to Government College, Matak Majri, District Karnal.

It has been submitted that the petitioner was earlier serving at Government College Behrampur (Bapauli) and had been transferred to Government College for Girls, Palwal (Kurukshetra) vide order dated 08.03.2019. Private respondent No.2 namely Sunil Kumar was transferred to Government College, Matak Majri, District Karnal only on 10.09.2019.

It is asserted that the petitioner and private respondent No.2 have been directed to swap their place of posting in a very short duration of time, whereas, the transfer policy dated 07.04.1989 at Annexure P-1 stipulates a normal tenure of posting of three years. It is argued that the transfer of the petitioner vide impugned order dated 19.02.2020 (Annexure P-4) is in violation of the transfer policy.

Learned counsel has been heard at length.

Transfer is an incidence of service. Matters of transfer/posting are best left to the judgment of the employer. Orders of transfer would be open to challenge only if the same have been passed in violation of statutory provision or are vitiated by malafides. Terms and conditions contained in a transfer policy/guidelines do not vest an enforceable right in an employee. A reference in this regard may be made to the decision of the Hon'ble Apex Court in the case of ***Union of India Versus S.L. Abbas, 1995(4) SCT 455***.

Be that as it may, it is certainly obligatory for the employer/competent authority to keep in mind the transfer policy/guidelines framed and formulated by the State Government itself while effecting transfers.

Under such circumstances, prayer of the counsel for withdrawal of the petition with liberty to approach the respondent authorities/Competent Authority as regards his grievance against impugned transfer, is accepted.

Writ petition is disposed of.

Liberty is granted to the petitioner to approach respondent No.1 as regards his grievance against the transfer of the petitioner from Government College for Girls, Palwal, District Kurukshetra to Government College, Matak Majri, District Karnal. In the eventuality of any such representation being preferred, the first respondent would be obligated to examine the same in accordance with law and against the backdrop of the Transfer Policy framed by the State Government.

Disposed of.

28.02.2020

Gaurav

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No