

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

**CWP-15459-2020 (O&M)
Date of Decision: 29.09.2020**

Lal Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

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

Present:- Mr. B.S. Sindhu, Advocate for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner who is serving as a Panchayat Secretary under the Department of Rural Development and Panchayats, State of Punjab is aggrieved of his transfer from Budhlada to Mohali.

Counsel has raised a two fold submission. Reliance has been placed upon a Transfer Policy framed by the State Government to contend that an employee ought not to be transferred within 2 years of retirement. It is urged that the petitioner is due to retire in the year 2022 and as such, the impugned transfer from Budhlada to Mohali cannot sustain being violative of the Transfer Policy. Secondly, pressing family circumstances have been cited. Counsel submits that mother of the petitioner is suffering from a kidney ailment and has to undergo regular dialysis procedure at Jagraon close to Ludhiana. It is contended that shifting from Budhlada to Mohali would disturb the medical treatment plan being afforded to his mother.

Having heard counsel for the petitioner at length, this Court is of

the considered view that no intervention in the matter is called for.

On a pointed query having been put to counsel, it stands conceded that the petitioner has enjoyed a tenure of posting at Budhlada itself over a period of 17 years. Under such circumstances, a transfer that has now been directed would be seen as an order passed by the Competent Authority towards administrative exigency of service.

Insofar as the Transfer Policy is concerned, it is by now well settled that terms and conditions contained therein do not vest in an employee an enforceable right. 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**. It would have been a different matter if the impugned transfer was directed in close proximity to the date of retirement. Petitioner still has approximately 2 years of service left. No infirmity as such is found in the impugned transfer order dated 31.08.2020 (Annexure P-1).

Petition is dismissed.

At this stage, learned State counsel upon telephonic instructions from Sh. Sanjeev Garg, Director, Panchayats, State of Punjab has informed the Court that the department is under the process of considering to accommodate the petitioner at Ludhiana where his mother is undergoing medical treatment.

Suffice it to observe that dismissal of the instant petition would not be seen as an impediment for the Competent Authority to take any decision to accommodate the petitioner at Ludhiana.

29.09.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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