

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

CWP No.15446 of 2020.

Decided on:- September 25, 2020.

Manjit Singh.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. N.P.S. Mann, Advocate
for the petitioner.

HARI PAL VERMA, J.

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari so as to quash the order dated 31.08.2020 (Annexure P-6) passed by respondent No.2- Director, Rural Development and Panchayats Department, Punjab, whereby the petitioner has been transferred from Block Maur, Bathinda to Block Ludhiana-1, District Ludhiana.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner has been transferred for 7th time within a span of 2½ years, there is no material with the respondents to transfer him as no such complaint or inquiry is pending against him.

He has further argued that the petitioner is being transferred under political consideration and his repeated transfers tantamount to physical harassment and more mental torture to the petitioner. The transfers are also in violation of the Government Policy dated 23.04.2018 (Annexure P-7) more specifically clause 1.2(c) of the same which stipulates that any official of Group "C" shall not be transferred before his posting at a particular place/posting before the expiry of 2 years, unless there are serious administrative or personal issues involved in such transfer.

I have heard learned counsel for the petitioner.

The argument of learned counsel for the petitioner that the transfer of petitioner is in violation of the Government Policy dated 23.04.2018 (Annexure P-7) cannot be accepted as the transfer policies are merely guidelines so as to carry out transfer of employees.

Moreover, transfer of an employee is not only an incident but an essential condition of service and it does not affect the conditions of service in any manner. An employee does not have any vested right to be posted at a particular place. Hon'ble Supreme Court in ***Gujarat Electricity Board and another Versus Atmaram Sungomal Poshani 1989 AIR 1433*** has observed as under:

"Transfer of a Government servant appointed to a particular cadre of transferable posts from one place to another is an incident of service. No Government servant or employee of public undertaking has legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in the

matter. Transfer from one place to other is necessary in public interest and efficiency in the public administration.”

Therefore, when the transfer of petitioner being purely administrative function, in the absence of any *mala fide*, this Court does not find any reason to interfere with the impugned transfer order dated 31.08.2020 (Annexure P-6).

The present petition is, accordingly, dismissed.

September 25, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No