

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

**CWP-15797-2020 (O&M)
Date of Decision:30.09.2020**

Mukesh

... Petitioner

Versus

State of Haryana & others

... Respondents

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

Present:- Mr. R.S. Saroha, Advocate for the petitioner.

....

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 on the post of the Gram Sachiv under the Development and Panchayats Department, State of Haryana has filed the instant petition assailing the order dated 09.02.2020 (Annexure P-1) confined to the extent of his transfer from the office of BDPO, Badli to the office of BDPO, Nagina.

The solitary contention raised by counsel is that as per online Transfer Policy for Gram Sachivs, 2018 (Annexure P-2), the minimum stay/tenure at a particular place of posting is 3 years and the petitioner is sought to be relocated after a period of 1 year and 4 months. It is contended that the transfer is in violation of the Transfer Policy itself. Counsel further urges that even a representation that has been preferred to the Competent Authority against the order of transfer is still pending and no decision thereupon has been taken.

Having heard counsel at length and having perused the pleadings on record, this Court is of the considered view that no interference in the matter is warranted.

It is by now well settled that orders of transfer are open to challenge on certain limited grounds i.e. if the transfer is in violation of any statutory provision; the transfer has been directed by an authority who was not competent to do so or if the transfer is vitiated by *malafides*.

Petitioner is not assailing his transfer from Badli to Nagina on any of the afore noticed grounds. Terms and conditions contained in a Transfer Policy do not vest an enforceable right in an employee. 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**.

That apart, it may be noticed that the impugned transfer had been directed way back in the month of February, 2020. On a query having been put, counsel concedes that the petitioner till date has not joined at the place of transfer. Mere filing of a representation does not give a license to the petitioner to disobey an order of transfer passed by a Competent Authority. Even the Transfer Policy (Annexure P-2) relied upon by counsel contains a specific clause i.e. Clause 9 (xii) that within 15 days of issuance of transfer orders, if a Gram Sachiv is aggrieved with the same, he can represent to the department only after joining at the new place of posting.

Conduct of the petitioner in having taken things in his own hands and having not joined at the place of posting inspite of the transfer orders having been issued way back on 09.02.2020 (Annexure P-1), cannot be appreciated.

There is no merit in the petition and the same is dismissed.

30.09.2020

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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