

223        IN THE HIGH COURT OF PUNJAB AND HARYANA  
                 AT CHANDIGARH

CWP-17587-2020(O&M)  
Date of Decision: 27.10.2020

**Manpreet Singh Chaudhary**

**..... Petitioner**

**versus**

**Union of India and others**

**..... Respondents**

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

Present:     Mr.R.S.Manhas, Advocate for the petitioner.

Mr.Parvesh K.Saini, Sr.Panel Counsel UOI,  
for the respondents.

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**TEJINDER SINGH DHINDSA, J. (ORAL)**

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

Petitioner is a serving Lieutenant Colonel in the Indian Army.

Challenge in the instant petition is to the order dated 19.08.2020 (Annexure P-6) whereby the petitioner has been transferred from Bathinda to Bareilly. Further challenge is to the order dated 12.10.2020 (Annexure P-7) whereby a request made by the petitioner to reconsider the place of posting as Bareilly stands declined.

The precise case put forth on behalf of the petitioner is that he is suffering from various health ailments including cirrhosis of the liver (alcohol related) apart from hypertension etc. as would be discernible from the document placed on record at Annexure P-2 and keeping in view the same he ought to be either retained at Bathinda itself or be posted out to a

station where he can get requisite medical treatment/attention. Yet another submission raised by counsel is that the petitioner is to superannuate on 31.01.2023 and since it would be construed as his last posting in his tenure of service he ought to be given a choice posting. Yet another attendant circumstance cited is that father of the petitioner is 87 years old and is also suffering from multiple medical issues and currently settled in Mohali (Punjab). Even in view of such circumstance petitioner ought to be adjusted close to his home town so as to attend to his ailing father.

Notice was issued in the instant petition and even a reply on behalf of the respondents has been filed and placed on record.

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

Counsel for the petitioner is unable to advert to any statutory rule/instructions issued by the Army authorities on the strength of which any enforceable right vests with the petitioner to seek a posting of his choice.

In the reply filed on behalf of the respondent-authorities it has been categorically averred that the station to which he has now been transferred is a medically compliant station as Military Hospital, Bareilly has all the medical facilities which can cater to the medical ailments that the petitioner is suffering from. To such stand a rejoinder has been filed stating that there would be no superspecialist available at Bareilly.

In the considered view of this Court it would certainly be open for the petitioner to seek medical treatment at Military Hospital, Bareilly itself and if need be the doctors out there would refer him to the requisite

medical facility.

Transfer even otherwise is an incidence of service. Orders of transfer are open to intervention only if the same have been passed by an authority who is not competent to transfer; or if the transfer is in violation of any statutory provision or is vitiated by mala fides. None of the afore-stated grounds have been made out in the instant petition.

In the case of a defence personnel this Court in any case in exercise of its extra ordinary writ jurisdiction would be extremely circumspect in interfering in the transfer order. Under normal circumstances the inference to be drawn is that the transfer of a defence personnel has been directed in the exigencies of service.

This Court does not find any infirmity in the impugned transfer order dated 19.08.2020 (Annexure P-6).

Petition dismissed.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**27.10. 2020**  
**sunita**

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |