

(1) CWP No.22953 of 2018  
Date of Decision: 02.03.2020

Bharat Bhushan Bhagat

.....Petitioner

Versus

Union of India and others

.....Respondents

(2) CWP No.27889 of 2017

Shamsher Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present: Mr. Sandeep Godara, Advocate  
for the petitioner in both cases.

Mr. Sunil Kumar Sharma, Advocate  
Senior Panel Counsel  
for the respondents-UOI in CWP-22953-2018.

Ms. Sheenu Sura, Advocate  
for the respondents in CWP-27889-2017.

**NIRMALJIT KAUR, J. (ORAL)**

Both the aforementioned writ petitions shall stand decided by this common order as the issue involved is identical.

The writ petitions are filed against the order of transfer. One of the ground raised is that as per Clauses 5 and 7 of the policy dated 28.11.1997, the individual should not be posted outside the unit after they have attained the age of 55 years. The argument raised by learned counsel for the petitioner cannot be sustained. Firstly, the petitioner in both the writ petitions was less than 55 years at the time of passing of the order of transfer. Secondly, the said policy also stands superseded, vide policy

CWP No.22953 of 2018 and another connected cases

No.9/2013 dated 10.10.2013, placed on record as Annexure R-2. It is also not disputed that the Single Bench of this Court in the case of Nirmal Singh Vs. Union of India and others, CWP No.25618 of 2017 and other connected cases, dismissed the writ petition on 21.02.2019 by relying on the another judgment rendered by this Court in the case of Achhar Singh and others Vs. Union of India and others, CWP No.27204 of 2018, wherein it was held that “incidence of service and violation of the instructions, if any, do not vest enforceable right”.

Similar observations were also held by learned Division Bench of this Court in the case of Nirmal Singh Vs. Union of India and others, LPA No.686 of 2019, decided on 02.04.2019, holding therein that the policy of transfer is only a guideline in nature and cannot be enforced. The counsel too was the same in both the above mentioned writ petitions.

No ground for interference is made out.

Dismissed accordingly.

**02.03.2020**  
sandeep

**(NIRMALJIT KAUR)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether Speaking/Reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |