

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CWP No. 1615 of 2021 (O&M)
Date of Decision:25.01.2021**

Satish Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vinod Bhardwaj, Advocate for the petitioner.

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 serving on the post of Lower Division Clerk under the UHBVNL.

Challenge in the instant petition is to a transfer order dated 02.01.2021 (Annexure P-3) confined to the extent whereby petitioner has been transferred from OP Sub Division, Dhand to OP Sub Division Pundri.

The sole contention raised by counsel is that the impugned transfer is violative of the transfer policy issued by the respondent-Nigam vide notification dated 22.10.2020 at Annexure P-2. Counsel has placed reliance upon Clause 2 (d) which defines the 'prescribed tenure' to be three years at any place of posting. Clause 2 (e) is also adverted to which defines the "qualifying date" to be 31st March of the calendar year of transfer. Contention raised is that petitioner vide order dated 27.07.2017 (Annexure P-1) had been transferred from Pundri to Dhand and if the definition of

qualifying date as per Clause 2 (e) was to operate the three years prescribed tenure would be completed only on 31.03.2021.

During the course of hearing, counsel has forwarded by way of email another document which as per him was Annexure-II appended to the transfer policy itself wherein the qualifying date was mentioned as 31.03.2020.

Counsel has been heard at length and pleading on record have been perused.

Without even going into the issue as regards the qualifying date so as to calculate the prescribed tenure to be 31.03.2020 or 31.03.2021, essentially the argument raised is that the impugned transfer is violative of a transfer policy.

It is by now well settled that terms and conditions of a transfer policy do not vest any enforceable right in an employee. Reference in this regard may be made to the decision of the Supreme Court in *Union of India vs. S.L. Abbas, 1995 (4) SCT 455*.

In view of the above, this Court is not inclined to intervene in the matter. However, it is certainly incumbent upon the employer and in the present case the Nigam to keep in mind the transfer policy while issuing transfer orders. Even though terms and conditions in a transfer policy may not have a mandatory standing but such transfer policy would certainly serve as a guideline.

It is upon the petitioner to pursue his grievance as against the impugned transfer before the competent authority under the Nigam.

Writ petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

January 25, 2021

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No