

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

CWP No. 8173 of 2021 (O&M)

Date of Decision:09.04.2021

Nand Singh

.....Petitioner

Versus

Punjab State Power Corporation Limited

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rohit Mittal, 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 who is serving on the post of Junior Engineer under the Punjab State Power Corporation Limited has filed the instant petition assailing the order dated 30.03.2021 (Annexure P-1) whereby he has been transferred from Sub Urban, Sub Division, Fazilka, District Sri Muktsar Sahib to City Sub Division, Malout, District Sri Muktsar Sahib.

Counsel has raised two-fold submission.

It has been argued that petitioner is to retire on 31.12.2021 upon attaining the age of superannuation and as per transfer policy being followed by the respondent-Corporation an employee ought not to be transferred within a period of two years from the date of retirement. Precise submission as such is that the order of transfer dated 30.03.2021 (Annexure P-1) is in clear violation of the terms and conditions contained in a transfer policy.

Second submission raised by counsel is that the petitioner is looking after his parents who are in an advance stage and if the transfer order is given effect to, it would entail difficult family circumstances and particularly in view of the current Covid-Pandemic.

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

During the course of hearing a specific query had been put to counsel as regards the tenure that the petitioner has enjoyed at Sub Division, Fazilka, prior to issuance of the impugned order dated 30.03.2021 (Annexure P-1) and whereby he sought to be shifted to City Sub Division Malout.

Mr. Rohit Mittal, Advocate has very fairly conceded that the petitioner has served at Fazilka for a period in excess of five years. Normal tenure of posting is taken as three years. The impugned transfer order seeks to shift the petitioner within District Sri Muktsar Sahib itself at a distance of 54 kms. approximately.

That apart it is by now well settled that terms and conditions contained in a transfer policy do not vest in an employee any enforceable right. A reference in this regard may be made to the decision of the Apex Court in ***Union of India Vs. S.L. Abbas 1995 (4) SCT 455.***

Transfer is an incidence of service. Orders of transfer are open to intervention if the same have been passed in violation of some statutory provision or have been passed by an authority not competent to do so or when the transfer is vitiated by *mala-fides*. None of these

grounds have been pressed by the petitioner herein while assailing the order of transfer dated 30.03.2021 (Annexure P-1).

Under normal circumstances, this Court would have shown indulgence to an employee who is sought to be transferred on the verge of retirement. However, while declining to interfere in the instant petition it has weighed heavily with this Court that the petitioner has already served in excess of five years at his present place of posting and the transferred station is not at a distant place but rather in the same very district i.e. Sri Muktsar Sahib.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

09.04.2021

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