

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CWP-9375-2021

DATE OF DECISION:- 03.05.2021

BARINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab
for the respondents.

...

SUVIR SEHGAL, J.

The hearing of the petition has been conducted through Video Conferencing.

Instant petition has been filed by the petitioner for issuance of a writ in the nature of certiorari seeking quashing of impugned order dated 20.04.2021 (Annexure P-2) passed by respondent No.2 in so far as the petitioner has been transferred from Ludhiana (Rural) to Khanna.

Counsel for the petitioner has submitted that the impugned transfer order has been passed in compliance of interim order dated 15.03.2021 (Annexure P-1) passed in CWP No.12011 of 2020, Surjit Singh versus State of Punjab and others, by this Court whereby it has been directed that no Police Officer shall be posted in any District where he is

being tried in a criminal case. Counsel contends that the petitioner, who is working as a Constable has been named as an accused in FIR No.2 which has been lodged on 03.01.2020 (Annexure P-3) for offences under Sections 341, 323, 279, 427 of the Indian Penal Code, 1860 at P.S. City Jagraon, District Ludhiana (Rural), is yet to face trial as even the challan has not been presented. He urges that, in any case, there is an amicable settlement and a panchayati compromise dated 05.02.2020 (Annexure P-4) has been arrived at between the parties and the FIR stands settled. It is his argument that the parents of the petitioner are suffering from age related ailments and his father who is a heart patient, is taking treatment from DMC, Ludhiana and the transfer of the petitioner will result in hardship.

Mr. Avinit Avasthi, AAG, Punjab, who has been served with an advance copy of the petition, has opposed the petition and on the basis of telephonic instructions, he has submitted that the petitioner joined as a Constable with the Punjab Police on 31.10.2011 at Ludhiana (Rural), where he is serving since then.

I have considered the arguments of the counsel for the parties and perused the paper book with their able assistance.

Transfer of an employee is a part of the service conditions and is an incidence of service. An employer is not required to justify or to assign any reason for transferring an employee from one place to another and reference of order (Annexure P-1) in the impugned transfer order makes no difference. An employee cannot insist that once appointed or posted at a particular place, he should continue at the same place as long as he desires.

The petitioner has been serving at the same station for the last more than nine years. He has been transferred to Khanna, which is barely 40 Kms. from his place of present posting. Therefore, his argument that the transfer will result in a hardship to him is a fallacy. There is no allegation of malafide against any official nor is it the argument of the counsel for the petitioner that the service rules prohibit such a transfer or that the authority who has issued the impugned order did not have the competence to do so.

Consequently, finding no merit in the writ petition, it is ordered to be dismissed.

(SUVIR SEHGAL)
JUDGE

03.05.2021
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Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No