

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

CWP-9974-2021 (O&M)

Date of decision: 21.05.2021

Manmohan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. Kapil Kakkar, Advocate for the petitioners.

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**H.S. MADAAN, J. (Oral)**

Case taken up through video conferencing.

Petitioner Manmohan Singh, working as Principal, Govt., Senior Secondary School, Sidduwal, District Patiala by way of filing the instant civil writ petition is challenging order dated 11.05.2021, vide which, he has been transferred to Govt., Senior Secondary School, Bhitiwala, District Sangrur. Although, he has alleged that the transfer has been made just to accommodate Jaspal Singh-respondent No.3 and he has further taken up a plea that his wife has tested positive for COVID-19 and there is no one else in his family to look after her as well as 88 years old mother and children. But I do not find any reason to exercise the writ jurisdiction and to interfere with the order of transfer, since from the record, no element of *mala fide* in the transfer comes out to be there.

Admittedly, the petitioner is holding a Government job having State cadre and it is not denied that he can be transferred from one

place to other in the State of Punjab. Transfer is incidence of the service. It is for an employer to see where he requires services of the employee and an employee cannot insist to be posted at a particular place in view of his convenience only.

As regards the ground that wife of the petitioner has tested positive for COVID-19, he can very well look after her by getting leave for a particular period from his department and even otherwise, on account of second wave of COVID-19, most of the official work is being done from home by way of video conferencing and through online mode.

As far as plea taken by the petitioner that he has got 88 years old mother and children to look after, most of the persons have got old parents and children to look after but that does not mean that they are to be granted place of posting nearest to their home as a matter of right. The employer is to consider the difficulties and preferences of all the employees and cannot single out a particular employee for special accommodation in the matter of posting. Therefore, the writ petition is doomed for failure and is dismissed accordingly.

21.05.2021

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**(H.S. MADAAN)**  
**JUDGE**

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