

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

LPA-482-2021 (O&M)
Date of Decision:- 1.7.2021

Manmohan Singh

... Appellant

Versus

State of Punjab and Others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. Vivek Sharma, Advocate
for the appellant.

Mr. Shireesh Gupta, Sr. DAG, Punjab.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present Letter Patent Appeal has been filed by Manmohan
Singh against order dated 21.5.2021 passed by learned Single Judge
whereby CWP-9974-2021 (O&M) was dismissed while upholding the
transfer order of the appellant.

The brief facts of the case are that appellant was working as Principal, Government Senior Secondary School, Sidduwal, District Patiala. He was transferred from the said school to Government Senior Secondary School, Bhitwala, District Sangrur vide order dated 11.5.2021. The appellant challenged the said transfer order on the ground that he was transferred to Government Senior Secondary School, Bhitwala, District Sangrur to accommodate Jaspal Singh-respondent No.3. The transfer order was also challenged on the ground that the wife of the appellant had tested positive for Covid-19 and there was no one else in the family to look after her and also no one was there to look after his 88 years old mother and children.

The learned Single Judge dismissed the writ petition at the preliminary stage after hearing the appellant.

We have heard counsel for the appellant.

The counsel for the appellant has *inter alia* challenged transfer order dated 11.5.2021 on the ground of mala-fide as well as personal domestic problem. The learned counsel submitted that the appellant was transferred from District Patiala to District Sangrur in violation of the transfer policy of the State Government dated 23.4.2018. The appellant on request was transferred to Government Senior Secondary School, Sidduwal on 29.4.2021 and thereafter on 11.5.2021, he was transferred to Government Senior Secondary School, Bhitwal, District Sangrur in order to adjust respondent No.3, who is having strong political connections. The learned counsel further contended that wife of the appellant was tested positive for

Corona virus on 5.5.2021 and the appellant was looking after her, when the impugned transfer order was passed. The learned counsel further contended that there is no one else in the family to look after his wife. Even the mother of the appellant is 88 years old and his children are of tender age and there is no one to look after them. The learned counsel further argued that the learned Single Judge while passing the impugned order, ignored all the abovesaid facts and circumstances. The learned counsel for the appellant while concluding his arguments submitted that the impugned order passed by the learned Single Judge and the transfer order dated 11.5.2021 are liable to be set aside.

We have considered the submissions made by the counsel for the appellant.

Admittedly, the appellant was working as a Principal in Government Senior Secondary School, Sidduwal, District Patiala, from where he was transferred to Government Secondary School, Bhitiwala District Sangrur vide impugned order dated 11.5.2021. Earlier to that he was working on the same post in Government Senior Secondary School, Maru, District Patiala. It is not disputed that the appellant worked as Principal in different government schools in Patiala district from 24.8.2016 till 11.5.2021, when he was transferred to Government Senior Secondary School Bhitiwal, District Sangrur.

Undoubtedly, transfer is an incidence of services and the Court should be slow to interfere in the matters of transfer unless *mala-fide* or something serious is raised by the employee.

In the instant case, the appellant raised plea of *mala-fide* but he failed to substantiate the same. He has failed to establish that he was transferred to district Sangrur to accommodate respondent No.3, who has been transferred in his place to Government Senior Secondary School, Sidduwal, District Patiala. Admittedly, the petitioner has been transferred from District Patiala to the adjoining district of Sangrur and that too after a gap of about 5 years.

We are of the view that guidelines for transfers and postings issued by the State Government are general in nature and would not come in the way of transfers made in the public interest or on the basis of administrative exigencies, as was done in the present case.

The appellant could not seek posting of his choice near his home as a matter of right. So, the pleas taken by the appellant that his mother is 88 years of age or his children are of tender age or his wife has recently suffered from Covid-19 infection, were rightly rejected by the learned Single Judge.

In the light of the above, no ground is made out to interfere in the impugned order dated 21.5.2021 passed by the learned Single Judge. Consequently, this appeal is hereby dismissed.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

1.7.2021
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No