

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

CWP-16185 of 2021 (O&M)

Date of decision: 20.08.2021

Mohd. Aslam

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Ferry Sofat, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioner Mohd. Aslam, aged about 44 years, has brought the instant civil writ petition against the respondents i.e. State of Punjab and 03 others, craving for issuance of a writ in the nature of certiorari, quashing the impugned order dated 06.08.2021 (Annexure P-8) issued by respondent No.1, vide which request of the petitioner for resigning from the post of Headmaster and joining the lien post of Punjabi Master was partially accepted inasmuch as he has been directed to join as Punjabi Master at Government Senior Secondary School (Boys) Lalru instead of posting him at Government High Court School, Balongi, District SAS Nagar, Mohali, where the petitioner had allegedly a lien.

I have heard learned counsel for the petitioner besides going through the record and I find that the writ petition is doomed for failure. As per case of the petitioner, he was working as Punjabi Lecturer posted at Government High Court School, Balongi, District SAS Nagar, Mohali.

He was promoted as Headmaster, vide order dated 16.01.2020 and was allotted station at Government High Court School, Ajner; the petitioner joined his such duty on 25.01.2020; on 22.11.2020, the petitioner submitted his resignation. The petitioner had filed CWP-8704-2021 which was disposed of by this Court with a direction to the respondent to consider the representation of petitioner within three months, however, the respondent department vide impugned order dated 06.08.2021 has accepted the resignation of the petitioner but instead of posting him at Balongi has ordered his posting at Government High Court School, Ajner. The grouse of the petitioner is totally unjustified. Admittedly, he is holding a transferable post. He has been posted in a school situated within jurisdiction of same district i.e. SAS Nagar, Mohali and the previous place of his posting was at Balongi in that very district. The distance between two places is also not much as conceded by learned counsel for the petitioner even. Transfer is incidence of service and it is not to be taken as a punishment. It is for an employer to decide as to where he requires the services of an employee. An employee cannot insist to be posted at a particular service for the reason that it is more convenient for him to commute from there. It was own decision and sweet will of the petitioner to resign from the post of Headmaster and he cannot claim any benefit by saying that since he has resigned from the post of Headmaster, he has got right to be posted in a school at Balongi. He has no such vested right. The law on the subject is very clear. In **B. Varadha Rao Vs. State of Karnataka**, 1986 (4) SCC 131, the Apex Court had observed that transfer of a Government servant, who is

appointed to a particular cadre of transferable posts from one place to another is an ordinary incident of service and therefore, does not result in any alteration of any of the conditions of service to his disadvantage.

In another case State of U.P. & Ors. Vs. Gobardhan Lal, 2004 (2) SCT 368, the Apex Court while dealing with the matter of transfer had observed that posting and transfer of employees is purely an administrative matter at the discretion of the competent authority for the better administration in public interest and that transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary. It was further observed that transfer can be challenged only on the ground of mala fide or violation of any statutory provision or competence of the authority. There are no such allegations in the present case. Therefore, finding no merit in the instant writ petition, the same stands dismissed.

20.08.2021

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(H.S. MADAAN)
JUDGE

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