

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

LPA-941-2021 (O&M)
Date of decision:- 05.10.2021

Narender Singh

...Appellant (s)

Versus

Haryana Vidyut Prasaran Nigam Limited, Panchkula and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Munish Mittal, Advocate,
for the appellant.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal is directed against the judgement and order dated 14.09.2021 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant) against the order of his transfer dated 06.09.2021 from Karnal to Dhulkote.

Learned counsel for the appellant submits that the learned Single Judge has failed to take into account that order of transfer was not passed on account of any administrative exigencies and is rather punitive in nature. He submits that vide letter dated 26.08.2021 (P-1), addressed to the Superintending Engineer/Admn-II, HVPNL, the Superintending Engineer, TS Circle, Haryana Vidyut Prasaran Nigam Limited (HVPNL), Karnal had written that appellant is in the habit of filing RTI applications, lodging complaints against senior officers through his wife and he blackmails the officers on one pretext or the other. Thus, he creates nuisance and spoils the office environment. Therefore, in order to improve the working environment in the office and maintain discipline, he was required to be posted out either to Sirsa or Palwal. He also referred

to Annexure A-1 (noting/remarks), sought to be brought on record vide CM-2235-LPA-2021, to urge that appellant's transfer is apparently malafide and deserves to be quashed.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, per-contra, submits that from a perusal of the order of transfer dated 06.09.2021 (Annexure P-2), it is clear that appellant's transfer was ordered owing to administrative exigencies and in public interest and not on the basis of a complaint made by the Superintending Engineer, HVPNL, Karnal. In fact, he submits that transfer of the appellant was ordered owing to a request made by one Sh. Robin Pal, LDC, o/o XEN/S&D, HVPNL, Dhulkote on the ground of medical illness of his wife. He further submits that the authorities, after obtaining medical opinion from the experts that wife of Sh. Robin Pal was suffering from a chronic disease and required constant family support, recommended that he deserved to be accommodated at Karnal. Further, the appellant had even completed his regular tenure of four years at Karnal.

We have heard learned counsel for the parties at length.

Ex-facie, the impugned order of transfer dated 06.09.2021 (Annexure P-2) indicates that it has been issued in public interest and not on the basis of any complaint by the Superintending Engineer, HVPNL, Karnal.

Indisputably, the appellant has already served at Karnal for a period of four years. It is also apparent from the perusal of the document (Annexure A-1), filed before us for the first time, as also the letter dated 26.08.2021 (P-1) that his activities at Karnal were not conducive to the administration and ideal working environment. In fact, the appellant was not transferred solely on the basis of the recommendation of the Superintending Engineering, HVPNL, Karnal, for had the authorities done so, he would have been transferred either to Sirsa or Palwal, as advised, whereas he has been transferred to Dhulkote. It is evident from

was required to be undertaken because of the request for transfer made by Sh. Robin Pal on account of the serious medical illness of his wife. And as the appellant has already completed his regular tenure at Karnal, the authorities purely to meet the administrative exigencies ordered his transfer. No rule statutory or otherwise has been placed before this Court to claim that transfer of the appellant is in violation thereof. The transfer and posting of employees is a sole prerogative of employer in the interest of administration unless and until the same is vitiated by malafide or otherwise or suffers from wends-burry unreasonableness. Even in the cases of *Mrs. Shilpi Bose and others Vs State of Bihar and others*, AIR 1991 Supreme Court 532; *Union of India and others Vs S.L. Abbas*, AIR 1993 Supreme Court 2444 and *National Hydroelectric Power Corporation Ltd. Vs Shri Bhagwan and another*, AIR 2001 Supreme Court 3309, it has held by the Supreme Court that the Courts should not interfere with orders which are made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of malafide. But such is not the position in the present case.

In view of the aforesaid, the appeal being meritless accordingly stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

05.10.2021
Amodh

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