

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

**CWP No.26794 of 2021 (O&M)
Date of Decision: 23.12.2021**

Sandeep Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Harpreet Singh Sidhu, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 17.12.2021 (P-3) qua the petitioner, whereby he (Agriculture Extension Officer) has been transferred from AEO Circle Malanwala, Block Makhu, District Ferozepur to AEO Circle, Lal Bhai, Block Lambi, District Sri Muktsar Sahib.

It is contended by learned Counsel for the petitioner that transfer is not in the interest of justice and moreover, petitioner has been transferred within a short span of his present place of posting. It is also the contention that there is a violation of the transfer policy, thus, learned Counsel emphatically assailed the order under challenge. Further contended that mother of the petitioner is suffering from disease(s) and he is the only male member in the family.

Heard learned Counsel for the petitioner and perused the paper-book.

The law is well settled that transfer policies are mere guidelines for internal working of the department and this Court, after relying upon the judgments of the Hon'ble Supreme Court, reported as **(i) Shilpi Bose (Mrs.) and others Versus State of Bihar and others, 1991 Supp (2) SCC 659; (ii) Union of India and others Versus S.L. Abbas, (1993) 4 SCC 357 and (iii) State of U.P. and others Versus Gobardhan Lal, (2004) 11 SCC 402**, while deciding CWP No.13925 of 2021, titled as "Ravinder Kumar and others Versus State of Punjab and others" vide order dated 28.07.2021, in para 21, *inter alia*, came to the conclusion that: -

"Transfer policy is merely a set of guidelines for the authorities concerned, without there being any legal backing; thus, the same is not legally enforceable under Article 226 of the Constitution except in the circumstances mentioned in para 10 (supra)."

For reference, the exceptional circumstances enumerated in para 10 of the order dated 28.07.2021 can be recapitulated as under:-

- (i) where the transfer orders were made in violation of the Service Rules or;*
- (ii) based on mala fide ;*
- (iii) detrimental to the career of the employees;*
- (iv) any other analogous reason(s).*

Again in para 12 of the above order, it was observed that *"It is for the competent authority to decide as to who should be transferred; where to be transferred; and when to be transferred. Even if a transfer order is issued de hors the transfer policy or the policy has been ignored by an officer, the recourse open for the employee is to approach the higher authority. In case the*

superior authority comes to the conclusion that there is a violation of the transfer policy or the subordinate officer has disregarded the order passed by the higher officer without any justification, he may expose himself to the departmental action as per law.”

As a result of the above discussion, it is held that for smooth functioning of the administration, instead of interfering with transfer matters in routine, it would be appropriate to leave this arena to the competent authority until and unless the action complained has caused manifest injustice to the aggrieved person or non-interference by this Court shall result into failure of justice.

In the present case, petitioner has failed to substantiate that he has suffered an element of manifest injustice or non-acceptance of his prayer will result into failure of justice in any manner; thus, the contentions are rejected being without any merit.

In view of above, this Court does not find any ground to interfere in the impugned order. Accordingly, the present petition is dismissed.

However, petitioner would be at liberty to raise his grievance before the authority concerned, if so advised and the same shall be considered by the quarter concerned expeditiously.

Pending application(s), if any, shall also stand disposed off.

December 23rd, 2021

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>