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

**CWP-11383-2022 (O&M)
Date of decision : 25.05.2022**

Harmanpreet Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sutikshan Sharma, Advocate,
for the petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution for quashing of the order impugned dated 17.12.2021 (P-2) qua petitioner, whereby he was transferred from Circle Purana Shalla Block Gurdaspur to Circle Malaud, Block Dehlon, District Ludhiana as Agriculture Extension Officer vice respondent No.4.

2. Facts are not in dispute.

3. Briefly stated that petitioner was appointed as Agriculture Sub-Inspector in the Department of Agriculture, Punjab during March 2000 at Mukerian, District Hoshiarpur. In the year 2001, he was transferred to Block Dhariwal, District Gurdaspur and thereafter, in 2004, he was posted at Kala Nangal Block, District Gurdaspur. In 2014, petitioner was promoted as Agriculture Extension Officer and posted at Ghuman Kalan Block, Dhariwal, District Gurdaspur; but in

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2015, he was shifted to the office of Chief Agriculture Officer, Gurdaspur. In the year 2020, he was again transferred to Ghuman Kalan Block, District Gurdaspur. Thereafter, on 18.08.2021 (P-1), petitioner was transferred to Purana Shalla Block, District Gurdaspur. Again, vide order dated 17.12.2021 (P-2), he was transferred to Circle Malaud, Block Dehlon, District Ludhiana vice respondent No.4.

4. Hence, present writ petition.

5. It is contended by learned counsel for the petitioner that he is suffering from cervical, but despite that, he has been transferred at a distance of about 150 kms. from his native place. Further contended that petitioner has to maintain his ailing mother as there is no other male member in the family to look after her. Also contended that impugned transfer order dated 17.12.2021 has been issued in contravention of the transfer policy dated 23.04.2018 (P-8) as well as the circular dated 23.11.2021 (P-7). Lastly submitted that respondent No.4 is not discharging his duties properly and indulging in other activities which are detrimental to the service and reference in this regard is made to an e-mail dated 30.11.2021 (P-3) sent by the Secretary, Press Club, Gurdaspur.

6. Heard learned counsel for the petitioner and perused the paper-book.

7. Admittedly, on earlier occasion also, petitioner challenged the impugned transfer order dated 17.12.2021, by filing a writ petition No.26378 of 2021 and which was dismissed as withdrawn with liberty to approach the respondents vide order 22.12.2021 (P-4) in the following manner:-

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“Writ petition has been filed under Article 226 of the Constitution of India, inter alia, for quashing of impugned transfer order dated 17.12.2021 (P-3), whereby, petitioner is transferred from Gurdaspur to Ludhiana.

Learned counsel, after arguing for some time, on instructions from the petitioner, wishes to withdraw the instant petition with liberty to approach the respondents for redressal of his grievance.

Dismissed as withdrawn with liberty as aforesaid.

Needless to say that in case, representation is made within one week from the date of receipt of certified copy of this order, same shall be decided by the competent authority in accordance with law within a period of next two weeks.”

8. In pursuance of the above order, petitioner made a representation dated 22.12.2021 (P-5) to respondent No.1 and after consideration of the same, it has been rejected vide order dated 03.03.2022 (P-6) and the same is not under challenge for the reasons best known to him.

9. Although, during the course of hearing, learned counsel for the petitioner tried to argue that the rejection order dated 03.03.2022 has been passed erroneously by respondent No.2, but perusal of the same reveals that competent authority did consider the matter properly and para 3 of the same reads as under:-

“3. Sh. Harmanpreet Singh referred to cervical and migraine diseases, but neither he produced any record or any certificate of doctor. The transfer of Sh. Harmanpreet Singh Agriculture Development Officer from

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Focal Point, Purana Sala, Block and District Gurdaspur to Circle Malout, Block Dehlon, District Ludhiana has been done keeping in view the administrative reasons with the approval of competent authority. As such, considering the representation dated 22.12.2021 submitted by Sh. Harmanpreet Singh Agriculture Development Officer, his representation is hereby filed.”

10. Concededly, petitioner is about 46 years of age and there is no material on record to indicate that he is suffering from any ailment, much less to say any serious disease. The competent authority after considering his representation, has already rejected the request while specifically observing that petitioner failed to produce any certificate of the doctor.

11. The argument that he has to maintain his ailing mother is also not acceptable for the simple reason that undisputedly, as per service rules, petitioner would be liable to serve in the entire State and as such, he cannot insist for posting at a place of his choice merely on that count.

12. The argument that impugned order is in violation of the transfer policy is also of no help as such policies are not legally enforceable under Article 226 of the Constitution; rather these are mere guidelines to the authorities for smooth running of the administration and reference in this regard can be made to order dated 28.07.2021 passed in **CWP-13925-2021** titled as **Ravinder Kumar and others**

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13. In view of the above, this Court has no other option except to dismiss the present writ petition.

14. Ordered accordingly.

15. So far as the alleged complaint dated 30.11.2021 (P-3) against respondent No.4 is concerned, the same shall be looked into by the quarter concerned as per law without any further delay.

16. A copy of this order be sent by the Registry to respondent No.1 for further necessary action in the matter.

25.05.2022
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No