

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

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CWP No.13809 of 2022 (O&M)  
DATE OF DECISION: 04<sup>th</sup> JULY, 2022

**Jai Karan Yadav**

**.... Petitioner**

**Versus**

**Union of India and others**

**.... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Gaurav Tyagi, Advocate,  
for the petitioner.

\* \* \* \*

**RAJBIR SEHRAWAT, J. (Oral)**

This is a petition filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for quashing/setting aside the transfer order dated 17.05.2022 (Annexure P-2) and order relieving dated 21.05.2022 (Annexure P-3) qua petitioner, vide which the petitioner has been transferred and asked to join duty at ASG, Jodhpur in North Sector from his present place of posting at Airport Sector at IGI Airport in New Delhi; with certain other prayers made in the present petition.

Notice of motion.

Ms. Anita Balyan, Advocate, accepts notice on behalf of the respondents and has pointed out that the petitioner has been working at the present place of posting for a period of seven years and three months. The policy of the department prescribes maximum period of stay at one place as three years. Therefore, the petitioner has already got the concession more

than the one permissible under the policy. The petitioner has been transferred only keeping in view the exigency of the service and the requirement of the force.

As counter to this, the counsel for the petitioner has submitted that the daughters of the petitioner are studying in LLB Second year and in Medical Laboratory Technology Course at Delhi. The petitioner deserves extension at least till the daughters of the petitioner complete the said courses. The petitioner has also relied upon the cases of his co-employees, namely, Pappu Ram Meena (Serial No.19) and Sunil Kumar (Serial No.26), to contend that the respondents have retained the above said persons for the purpose of enabling their wards to complete their studies. Hence, the petitioner deserves to be granted the same concession.

Having heard the counsel for the parties and having perused the record, this Court does not find any substance in the argument of the counsel for the petitioner. Needless to say that the transfer is only an incidence of service. The respondents-department has absolute right to post the petitioner at a place where his services can be utilized in the best possible manner. Therefore, the petitioner cannot raise the grievance against his transfer, as such. Moreover, the petitioner has not even disputed the fact that he has been posted at the current place of posting for a period of more than seven years in continuity. Hence, the petitioner cannot validly claim anymore concession qua his stay at the present place of posting.

Although the counsel for the petitioner has taken up the plea of discrimination with the cases of the similar employees, however, even the said argument is to be rejected out-rightly. Firstly, there cannot be any question of discrimination in the matter of transfer. Moreover, the above said persons have been granted the benefit only as per the policy and for the

current session for ensuring completion of the course of their wards, whereas the daughters of the petitioner are neither covered by the courses for which the concession can be granted under the policy, nor the petitioner prayed for only the current session where the daughters of the petitioner could have completed the courses. Therefore, even under the clauses of the policy, the petitioner cannot raise the claim validly.

In view of the above, finding no merit in the present petition, the same is dismissed.

**04<sup>th</sup> JULY, 2022**  
*‘sandeep’*

**(RAJBIR SEHRAWAT)**  
**JUDGE**

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|-----------------------------------|------------|-----------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> | <i>No</i> |
| <i>Whether Reportable:</i>        | <i>Yes</i> | <i>No</i> |