

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

LPA-543-2022

Date of decision : 07.07.2022

Jai Karan Yadav

.....Appellant

Versus

Union of India and others

....Respondents

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

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

Ms. Anita Balyan, Senior Panel Counsel, UOI.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This appeal has been filed by the appellant being aggrieved by an order dated 04.07.2022 passed by the learned Single Judge dismissing the writ petition (CWP No. 13809 of 2022) filed by him assailing the order dated 17.05.2022, whereby he was transferred from Aviation Security Guard (ASG), Delhi; as also the order dated 21.05.2022, vide which he was sought to be relieved from his present place of posting and asked to join duty at ASG, Jodhpur in North Sector.

Learned Single Judge, after examining the matter, has found that as per the transfer policy of the department, the maximum tenure of posting of an employee at one place is three years, whereas the appellant has remained at the present place of posting for a period of seven years and three months. The learned Single Judge has also noted the fact that the ground of violation of transfer policy or parity with other employees,

as claimed by the appellant, is mis-conceived, and it is not a ground to quash the transfer order.

Learned counsel appearing for the appellant submits that the learned Single Judge has not addressed the main issue raised by the appellant, namely that the transfer policy permits the authorities to retain a person at one place of posting for more than three years on educational grounds. He submits that daughter of the appellant is studying in 2nd year of three years' law course at Delhi, therefore, in terms of the transfer policy of the department, the appellant should have been accommodated at his present place of posting at least for 18 months, till the time his daughter completes her law course. Learned counsel further submits that there are other employees of the respondents who have been accommodated and are continuing at their place of posting for more than three years. He has cited the instances of Pappu Ram Meena and Sunil Kumar, who have been permitted to continue at their present place of posting on educational and medical grounds.

We have heard learned counsel for the appellant.

Having perused the record, it is evident that Pappu Ram Meena, whose name is mentioned at serial No. 19 of page 43 of the paper-book, has been retained at his present place of posting till 31.03.2023, because his daughter is studying in Class 12th in the current session 2022-23. In such cases, clause 39 (ix) of the transfer policy of the respondents permits the authorities to retain an employee at his place of posting for more than three years. In the case of Sunil Kumar, whose name appears at serial No. 26 of page 44 of the paper-book, his posting has been deferred till 31.05.2023 by the authorities on medical ground, as he is suffering from serious heart diseases. In these circumstances, the

parity sought to be claimed by the appellant with said persons is mis-
conceived. The Supreme Court in *Shilpi Bose (Mrs.) and others Vs. State of Bihar and others, 1991 Supp (2) Supreme Court Cases 659; Union of India and others Vs. S.L. Abbas, (1993) 4 Supreme Court Cases 357;* and *National Hydroelectric Power Corporation Ltd. Vs. Shri Bhagwan and another, (2001) 8 Supreme Court Cases 574* has settled the law that an order of transfer cannot be assailed on the ground that it is in violation of the transfer policy. Therefore, the ground of violation of transfer policy, taken by the appellant, does not have any merit.

In view of the aforesaid, we find no illegality or perversity in the order dated 04.07.2022 passed by the learned Single Judge, warranting interference by this Court in this Letters Patent Appeal.

The appeal being meritless is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 07, 2022
ndj

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