

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

**CWP No.14782 of 2022 (O&M)
Date of Decision: 14.07.2022**

Rajinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. N.P.S.Mann, Advocate for the petitioner.

Ms. Anu Chatrath, Addl. A.G., Punjab for the respondents.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of certiorari for quashing the impugned order dated 05/07.07.2022 (P-4), whereby petitioner was transferred from Jalandhar to Hoshiarpur. Further prayer is for directing the respondents not to implement the aforesaid order and petitioner shall not be harassed in future by the unwarranted transfer order due to political pressure.

(2) Brief facts of the case are that petitioner, who is resident of District Jalandhar, joined his services with the Department of Social Justice, Empowerment and Minorities on 10.01.1997 as District Welfare Officer. In the year 2016-2017, his promotion became due as Deputy Director, but he refused to accept the same due to his family circumstances as he had to shift to Chandigarh Head Office after his promotion. Vide order dated 12.07.2019

(P-1), he was transferred from Kapurthala to Jalandhar. On 31.08.2020 (P-2), he was transferred at Hoshiarpur. Later vide order dated 19.05.2022 (P-3), he was again ordered to be posted at Jalandhar. Now, he has been again transferred back to Hoshiarpur while passing the impugned order dated 05.07.2022 (P-4).

(3) It is contended on behalf of the petitioner that he has been transferred on four occasions during the period of three years, thus, the same is not legally sustainable. Also contended that impugned order is in violation of the transfer policy dated 23.04.2018 (P-5), issued by the Govt. of Punjab.

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

(5) Perusal of the impugned order reveals that same has been issued for administrative reasons being in public interest.

(6) Although, learned Counsel for the petitioner vehemently assailed the impugned order dated 05.07.2022 being violative of the transfer policy, but this Court while deciding CWP No.13925 of 2021 on 28.07.2021 has held that this 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.

Still further, this Court while deciding above writ petition came to the conclusion that transfer policies are for smooth functioning of the administration and it is better to leave this arena to the competent authority unless the action complained has caused manifest injustice to the aggrieved person or non-interference by the Court will result into failure of justice.

(7) In the present case, petitioner has miserably failed to substantiate that he has suffered any element of manifest injustice or non-acceptance of his prayer will cause monetary loss or same shall be detrimental to his career in any

manner or that the cancellation of his transfer order is in violation of statutory rules.

Hence, the action of respondent(s) does not warrant any interference by this Court while exercising jurisdiction under Article 226 of the Constitution.

(8) In view of the above, there is no option except to dismiss the present writ petition.

Ordered accordingly.

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

July 14th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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