

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

**CWP No.19028 of 2022 (O&M)
Date of Decision: 29.08.2022**

Dr. Satish Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. B.D.Sharma, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution for setting aside the impugned order dated 15.07.2022 (P-1), whereby petitioner has been transferred from District Hospital, Sri Muktsar Sahib to Civil Hospital, Feorzepur.

(2) It is contended on behalf of the petitioner that he is going to attain the age of superannuation on 31.10.2023 and he has been transferred more than 60 Kms. from the place of his residence, thus, the same is not legally sustainable. Also contended that impugned order is in violation of the transfer policy dated 26.04.2018 (P-4), issued by the Govt. of Punjab.

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

(4) Perusal of the impugned order reveals that it has been issued for administrative reasons in public interest.

There is no quarrel that post held by the petitioner i.e. Senior Medical Officer is transferrable throughout the State.

Although, learned Counsel for the petitioner vehemently assailed the impugned order dated 15.07.2022 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; 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.

(5) 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 some monetary loss or it shall be detrimental to his career in any manner or that transfer order is in violation of statutory rules.

Hence, the action of respondent(s) while transferring the petitioner at a distance of 60 Kms. from his residence does not warrant any interference by this Court while exercising jurisdiction under Article 226 of the Constitution.

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

Ordered accordingly.

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

August 29th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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