

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CWP-20562-2022

Date of Decision: 09.09.2022

Col Sukhjeet Sandhu

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Tejinder Bir Singh, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari quashing of the impugned order dated 24.08.2022 (Annexure P-3) passed by respondent No.2, whereby the petitioner has been transferred; with a further prayer that during the pendency of the present writ petition, operation of the impugned order may kindly be stayed.

Notice of motion.

On the asking of the Court, Mr. Parvesh Kumar Saini, Senior Panel Counsel, accepts notice on behalf of the respondents-UOI.

A perusal of the writ petition shows that the petitioner has only been transferred from one place to another place, vide the impugned order dated 28.08.2022 (Annexure P-3). There are no allegation of mala fide against anybody; because none has been impleaded as a party respondent; by name; in the present writ petition. Otherwise also, transfer is only an incidence of service and the petitioner has no right not to be transferred from his posting at any particular place, as per his desire.

Although, learned counsel for the petitioner has vehemently reiterated that the petitioner has been transferred at a distance of 1700 kilometers despite an undertaking given by the authorities for keeping the petitioner at Ambala Cantonment for a fixed tenure of three years, however,

even this argument of the learned counsel for the petitioner cannot be accepted as a ground for setting aside the impugned transfer order. Firstly, unless so provided by law, there cannot be any undertaking by anybody qua posting of a person at any particular place for a particular period, particularly, in the Army. Moreover, even the distance of 1700 kilometers is nothing extraordinary in the Army postings.

Learned counsel for the respondents has also pointed out that the petitioner is involved in a criminal case bearing FIR No.87 of 2022, registered under Sections 328/376/506 of the Indian Penal Code, at Police Station Dwarka, Sector 23, New Delhi. This will be, obviously, an impediment in proper performance of his duties in NCC, where the petitioner is presently posted, and which deals with the students, including the girls students, of the tender age. Though, no comment deserves to be made regarding the correctness of the criminal case registered against the petitioner, at this stage, however, the transfer of the petitioner would be fully justified in view of the nature of his job and nature of the allegations against him, even if they are unproved, at this stage.

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

(RAJBIR SEHRAWAT)

JUDGE

09.09.2022

adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No