

2023:PHHC:059343

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

**CM-5451-CWP-2023**  
**in/and**  
**CWP-5757-2022 (O&M)**  
Date of decision: 26.04.2023

Bhupinder Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL**

Present:- Mr. Vishal Mehta, Advocate for the petitioner  
Mr. Vikas Arora, AAG, Punjab

**ANIL KSHETARPAL, J (Oral)**

**CM-5451-CWP-2023**

1. After hearing the learned counsel representing the applicant and after going through the contents of the application, the same is allowed. The writ petition is restored to its original number and is taken on Board for final disposal.

**Main case**

2. Challenging the correctness of the petitioner's posting by way of transfer vide order dated 11.03.2022, this writ petition has been filed. At the relevant time, the petitioner was working as Senior Assistant. He has been transferred from the Head Office, Patiala to the District Language Office, Sangrur. In substance, the petitioner alleges infringement of the transfer policy. He also refers to an incident which took place in the meeting held by the Principal Secretary.

3. This Court has considered the submissions of the learned counsel representing the petitioner. The transfer of an employee is an

element of service. The policy guidelines issued by the State to transfer the employee are in the nature of guidelines and not enforceable through a court of law. Such policy does not confer any right in a transferred employee to challenge the same alleging violation thereof. Reference in this regard can be made to **Chief General Manager (Telecom) N.E. Telecom Circle and Another v. Shri Rajendra CH. Bhattacharjee and Others (1995) 2 SCC 532**. In **State of U.P. and Others v. Gobardhan Lal (2004) 11 SCC 402**, the Supreme Court while setting aside the judgment passed by the High Court, observed as under:-

*“7. It is too late in the day for any Government Servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of transfer*

*made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision.*

*8. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer”.*

4. The petitioner has not impleaded any superior officer by name. Hence, the allegations of mala fide cannot be looked into. While exercising the writ jurisdiction, the scope of interference in a writ petition, relating to the transfer matter, is extremely narrow. Hence, no ground to issue the writ, as prayed for, is made out.

5. Dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

26.04.2023

rekha

(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No