

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-505-2023

Date of Decision: 29.04.2023

RAJESH AND OTHERS

...Petitioners

Vs.

STATE OF HARYANA AND OTHERS

...Respondent

CORAM: - HON'BLE MR JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Neeraj Sheoran, Advocate
for the petitioners.

M.S. RAMACHANDRA RAO, J. (Oral)

This Letters Patent Appeal has been preferred challenging the order dated 10.04.2023 passed by the learned Single Judge in CWP No. 6986 of 2023.

The appellants had filed the said Writ Petition for setting aside the office order Annexure P-3 dated 27.03.2023 issued by the respondents whereby certain transfers of Taxation Inspectors have been made.

It was the contention of the appellants before the learned Single Judge that such transfers were made against the principles of natural justice and in violation of the online transfer policy notifications dt. 31.07.2020 and dt. 25.05.2020.

The learned Single Judge dismissed the Writ Petition stating that the transfer of employees is an incident of service, and transfer orders are not normally to be interfered with unless it is actuated by *mala fides* or transfer is prohibited under the Service Rules or the transfer order is passed by an

authority who is not competent to pass it. He also observed that the employee has no right to insist upon the continuation at a particular place or station of posting of his choice. He held that merely because respondent No.4 had been posted at Rohtak by virtue of the impugned order, the appellant could not opt for the said station, would not give the appellants cause to challenge the transfer order.

Though counsel for the appellant sought to convince this Court that the reasoning of the learned Single Judge is not correct, we are of the opinion that cogent reasons have been given by the learned Single Judge and he has rightly held that the transfer is an incident of service and normally transfer orders are not to be interfered with except in the circumstances enumerated in his judgment.

In view of the above, we do not find any merit in the appeal. Accordingly the same is dismissed.

No order as to costs.

(M.S. RAMACHANDRA RAO)
JUDGE

(SANJIV BERRY)
JUDGE

29.04.2023
kv/kanika

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*