

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

**(112)** **CM-13378-CWP-2023 in/and**  
**CWP-10388-2023**  
**Date of Decision : August 28, 2023**

**Paramjeet Singh and others** **.. Petitioners**

**Versus**

**State of Haryana and another** **.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. D.S. Patwalia, Senior Advocate, with  
Mr. A.S. Chadha, Advocate, for the applicant-petitioners.

Mr. Harish Nain, AAG, Haryana.

**HARSIMRAN SINGH SETHI J. (ORAL)**

**CM-13378-CWP-2023**

Present application has been filed for preponing the date of hearing of the main petition i.e. CWP No.10388 of 2023 from 09.11.2023 to an early actual date.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and hearing of the main petition is preponed from 09.11.2023 to today.

**CWP-10388-2023**

1. Present petition has been filed for quashing of the letter dated 25.04.2023 (Annexure P-11) by which, applications were sought for online transfer of the Veterinary Surgeon and the Veterinary Livestock Development Assistants.

2. Learned senior counsel for the petitioners argues that while effecting the transfer, certain posts have been blocked by the respondent-State, which act on the part of the State is not correct, hence, the petitioners are also entitled to apply and opt for the posts which have been blocked.

3. The reply which has been filed by the respondent is that the process qua the online transfer has already been completed and the petitioners have already been considered for transfer keeping in view the option which they had given hence, the grievance being raised by the petitioners in the present petition that they are aggrieved against the action of the Department in blocking certain posts for effecting transfer no longer subsists.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. At the outset, it may be noticed that as per the settled principle of law, any policy which has been issued by the Government for effecting transfer is not justiciable. The scheme or policy for effecting transfer does not give any right to any candidate to challenge the same even if any employee is aggrieved qua the said transfer policy/scheme. The transfer policy is issued only for the purpose to streamline the process.

6. As per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.1243 of 2022 titled as S.K.***

***Nausad Rahaman and others vs. Union of India and others, decided on***

***10.03.2022***, the transfer policy not being justiciable, no right can be claimed for transfer to a particular station or to claim a particular post by way of transfer. The relevant paras of the judgment are reproduced as under:-

*“ 24. First and foremost, transfer in an All India Service is an incident of service. Whether, and if so where, an employee should be posted are matters which are governed by the exigencies of service. An employee has no fundamental right or, for that matter, a vested right to claim a transfer or posting of their choice.*

*25. Second, executive instructions and administrative directions concerning transfers and postings do no confer an indefeasible right to claim a transfer or posting. Individual convenience of persons who are employed in the service is subject to the overarching needs of the administration.”*

7. Hence, with regard to the main grievance which is being raised by the petitioners that they have been debarred from applying against certain posts which have been blocked by the State, no relief can be granted to the petitioners.

6. Further, the Division Bench of this Court while passing order in ***LPA No.247 of 2020 titled as Nisha vs. State of Haryana, decided on 24.02.2020***, has held that even if the transfers are in violation of the transfer policy or anybody was forced to participate in the transfer drive, there does not exist any enforceable right.

8. Even otherwise, as of now, all the transfers have already been completed and even the petitioners have been given the posting keeping in view the option given and they have already joined on the transferred post and are working for a considerable period of time. That being so, no interference is called for by this Court when the process of effecting transfer is already over.

9. Keeping in view the above, no ground is made out for any interference by this Court at any stage.
10. Dismissed.

August 28, 2023  
harsha

(HARSIMRAN SINGH SETHI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No