

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

(128)

CWP-11516-2023

Date of decision:- 25.05.2023

Sukhvinder Singh and another**...Petitioners****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Amarjit Beniwal, Advocate for the petitioners.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition, petitioners have inter-alia sought issuance of a writ in the nature of certiorari quashing the impugned transfer order dated 19.05.2023, Annexure P-2.

2. Counsel for the petitioners submits that both the petitioners were appointed as Driver in the year 2001 and are posted at Karnal Depot since the year 2016/2017. Counsel submits that respondents formulated a Transfer Policy, Annexure P-1, which is voluntary and the petitioners did not participate in the Transfer Drive. However, by virtue of impugned order, Annexure P-2, they have been transferred to Kurukshetra and Ambala, respectively. By referring to para 7 of the writ petition, counsel contends that some employees, who have a longer stay at Karnal than the petitioners, have not been transferred and the Transfer Policy has been implemented in a pick and choose manner. It is his argument that as a result of the impugned transfer, the family life of the petitioners has been disrupted.

3. I have considered the submission of counsel for the petitioner.
4. In *State Bank of India Versus Anjan Sanyal and others (2001) 5 SCC 508*, Hon'ble Supreme Court has held that an order of transfer of an employee is a part of the service conditions and such an order is not to be lightly interfered with by the Court in exercise of its extra ordinary jurisdiction, unless the Court finds that either it is mala fide or that the service rules prohibit such a transfer or that the authority passing the order is not competent to do so. No such material could be pointed by counsel for the petitioners. Furthermore, it deserves to be noticed that the petitioners have remained posted at the same place for six to seven years and they are being transferred to stations, which are close to Karnal. Every transfer order results in some hardship or inconvenience to an employee, but that in itself is not sufficient to set aside the order. Mere fact that some employees have a longer stay than the petitioners at Karnal does not vest any right in the petitioners, who insist that they should not be transferred. A Division Bench of this Court in *LPA-247-2020* titled as *Nisha Versus State of Haryana*, decided on 24.02.2020 has held that transfer policy is not enforceable and even if a transfer order has been passed in violation thereof, it cannot be assailed.
5. Finding no merit in the writ petition, it is hereby dismissed.

25.05.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No