

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15669 of 2022 (O&M)

Date of decision: 02.03.2023

Ravinderpal Singh

..Petitioner

Versus

State of Punjab and others

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Dr.Naresh Kaushiuk, Advocate
for the petitioner.

Mr. D.K.Singal, Addl.A.G., Punjab

Ms. Saguna Arora, Advocate, for
Mr. R.K.Arora, Advocate
for respondent no.6.

ANIL KSHETARPAL, J(Oral)

1. The petitioner assails the correctness of his transfer from Aliwal Division, Aliwal Range, Gurdaspur, District Gurdaspur to Forest Division, Phillaur, Phillaur Range, Jalandhar. He complains that within a period of 1½ years of his stay, he has been allegedly transferred at a place which is about 100 Kms. Away from the place of residence.

2. On the other hand, the learned counsel representing the State has stated that the petitioner has been given posting on his promotion as Forester.

3. The learned counsel representing the petitioner submits that as per the policy (Annexure P-3) adopted by the State, it is not appropriate to transfer the employee after a stay of only 1½ years.

4. This court has considered the submissions of the learned counsel representing the petitioner.

5. The policy to transfer the employees from one place to another is not enforceable before a Court of law. This main purpose of such policies is to guide the officers who are required or have authority to pass such orders regarding the transfer of the employees. However, such policy does not confer any right in a transferred employee to challenge the same alleging violation of the said rules thereof. Reference in this regard can be made to the 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”.

- 6. The scope of judicial review in the matters regarding posting and transfer of the employees from one place to another is limited and unless the transfer orders are made in the arbitrary use of power, the court is expected not to interfere as a general rule.
- 7. Keeping in view the aforesaid facts and discussion, this court does not find it appropriate to issue the writ as prayed for.
- 8. Dismissed.
- 9. All the pending miscellaneous applications, if any, are also disposed of.

March 02, 2023	(ANIL KSHETARPAL)
nt	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No