

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

132

CWP-15175-2023

Date of Decision: 18.07.2023

Sanjeev Kumar

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Hemen Aggarwal, Advocate for the petitioner

Ms. Anita Balyan, (Senior Panel Counsel)
for the respondents-Union of India

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of Constitution of India is seeking quashing of letter dated 11.05.2023 (Annexure P-1) whereby petitioner has been transferred to 7th Res BN Kistwar Unit (Jammu & Kashmir) from present place of posting i.e. Punjab and Haryana Civil Secretariat, Chandigarh.

2. Learned counsel for the petitioner *inter alia* contends that son of the petitioner is a drug addict and he was hospitalized on 06.03.2023. He needs regular care and it is only the petitioner who can look after his son. He is getting treatment from PGIMER, Chandigarh and if the petitioner is transferred to Jammu and Kashmir, it would not be possible for him to take care of his son.

3. Ms. Anita Balyan, Senior Panel Counsel, who on advance

had made representation dated 06.05.2023 and in the said representation, he did not assign the reason as disclosed in the present petition, for his posting at Chandigarh. The petitioner is trying to make out a new ground on being transferred to Jammu and Kashmir vide letter/order dated 11.05.2023.

4. The petitioner is a part of armed forces. The Hon’ble Supreme Court in ***Major General J.K. Bansal Vs. Union of India and Others; (2005) 7 SCC 227*** has held that scope of interference by the Courts in regard to transfer of members of armed forces is far more limited and narrow than transfer of civil employees or those who are working in public sector undertakings.

5. This Court can interfere only if there is a *mala fide* in the action(s) of officials. There is no allegation of *mala fide* on the part of respondents in the instant case. Even otherwise, no case is made out warranting interference by this Court.

There is no substance in the present petition, thus, the present petition needs to be dismissed.

Accordingly, dismissed.

(JAGMOHAN BANSAL)
JUDGE

18.07.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>