

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

CWP-22261-2023

Date of Decision: 04.10.2023

Manish Pajni

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Mr. Keshav Pratap Singh, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner by way of this petition has assailed the transfer order dated 25.09.2023 (Annexure P/5), whereby the petitioner has been transferred from the post of Food Supply Officer, Ludhiana to the post of District Food Supply Officer, Nangal, District Rupnagar.

2. Learned counsel for the petitioner submits that the petitioner is holding a Group-B post. As per policy, the petitioner is required to be allowed to continue at place of posting for a period of two years. However, the said condition is subject to only cases where there is a special administrative circumstances or in view of the serious personal problem of the officer.

3. Learned counsel for the petitioner submits that the petitioner has already been transferred four times within the last span of one year and three months and again the petitioner has been transferred to far, all from his home town. Learned counsel submits that there is no administrative reason coming forward for transferring the petitioner.

4. I have considered the submission.

5. From the perusal of the transfer order impugned dated 25.09.2023, this Court finds that the petitioner was transferred to the post of District Food Supply Officer, Nangal, District Rupnagar, while withdrawing the additional charge of Food Supply Officer, Nangal, from one namely Shri Parvej Singh, Food Supply Officer, Anandpur Sahib. Thus, the additional charge of the post of the District Food Officer, Nangal, District Rupnagar, was being looked after by one officer, who was originally posted at Anandpur Sahib. The post of District Food Supply Officer, at Nangal, thus was lying vacant and in order to fill the said post, it appears that the administrative decision has been taken to transfer the petitioner. Thus, it is apparent that for administrative purposes, the impugned transfer order has been passed keeping in view the exception contained in the policy. Even otherwise, the transfer policy does not create an enforceable right in favour of a government servant as transfers are exigency of service. Judicial review in transfer of the petitioner is limited to cases where transfer is illegal or perpetuated by malafide.

6. In view thereof, no case for interference is made out. The writ petition is accordingly dismissed.

7. All pending misc. application(s) also stand disposed of.

04.10.2023

rajesh

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes/No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>