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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23194-2023

Date of Decision:12.10.2023

NAND KISHORE AND OTHERS

..... Petitioners

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. J.P. Rana, Advocate and
Dr. Partap Singh, Advocate
for the petitioners.

Ms. Gurmeet Kaur Gill, Senior Panel Counsel
for the respondents- UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 27.07.2023 (Annexure P-9) whereby petitioners have been transferred from N.W. Sector, CRPF to 51 Bn, C.R.P.F/Group Centre, CRPF, Pinjore, District Panchkula.

2. Learned counsel for the petitioners submits that petitioners were transferred vide order dated 09.02.2023 (Annexure P-2) from their earlier place of posting to Chandigarh and now they have been transferred from Chandigarh to Pinjore. The transfer of the petitioners is in violation of the transfer policy.

3. Ms. Gurmeet Kaur Gill, Senior Panel Counsel who on advance notice is present in Court submits that petitioners are going to retire in the year 2025 and their pension case would be processed by Group Centre, CRPF, Pinjore, District Panchkula. The petitioners have

been transferred so that their pension case may be processed expeditiously. There is no *malafide* intention on the part of the authorities.

4. A three Judge Bench of 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 civilian employees or those who are working in public sector undertakings. The relevant extract of the judgment reads as:

"11. Similar view has been taken in [National Hydroelectric Power Corporation Ltd. vs. Shri Bhagwan and another](#) (2001) 8 SCC 574, wherein it has been held that no Government servant or employee of a public undertaking has any legal right to be posted forever at any one particular place since transfer of a particular employee appointed to the class or category of transferable posts from one place to another is not only an incident, but a condition of service, necessary too in public interest and efficiency in the public administration. Unless an order of transfer is shown to be an outcome of malafide exercise of power or stated to be in violation of statutory provisions prohibiting any such transfer, the courts or the tribunals cannot interfere with such orders, as though they were the appellate authorities substituting their own decision for that of the management.

12. It will be noticed that these decisions have been rendered in the case of civilian employees or those who are working in Public Sector Undertakings. The scope of interference by courts in regard to members

of armed forces is far more limited and narrow. It is for the higher authorities to decide whenand where a member of the armed forces should be posted. The Courts should be extremely slow in interfering with an order of transfer of such category of persons and unless an exceptionally strong case is made out, no interference should be made.”

5. In the wake of above cited judgment and considering the fact that petitioners have been transferred from Chandigarh to Pinjore i.e. within a distance of less than 50 Kms., this Court does not find it appropriate to revoke its writ jurisdiction. Being devoid of merits, the present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

12.10.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No