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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-27136-2022 (O&M)  
Date of Decision:13.12.2023

AJMER SINGH

..... Petitioner

*Versus*

REGIONAL HEAD BANK OF BARODA AND ORS

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. Bhupesh Dogra, Advocate  
for the petitioner.

Mr. Anil Kumar Ahuja, Advocate  
for the respondents.

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**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 16.11.2022 whereby petitioner has been transferred from Sirsa to Nuh.

2. The petitioner is assailing transfer on the ground that the petitioner in a short span of 5 months has been transferred 3 times. As per petitioner, the minimum tenure of an officer in any region is 3 years and as per policy, the officers having longer tenure need to be transferred. There are officers in the region who are having tenure of more than 5 years still they have not been transferred whereas petitioner has been transferred within 3 years.

3. Per contra, learned counsel for the respondents submits that Sirsa and Nuh are part of Hisar region. As per transfer policy, the minimum tenure of an officer in any region is 3 years. The petitioner has

not been transferred from one region to another region, thus, he can be transferred within region from one place to another place. The petitioner joined Hisar region on 26.06.2019 and he has already completed 3 years period in Hisar region, thus, as per transfer policy, he can be transferred out of region whereas petitioner has been transferred within region. The earlier transfers were made within District Sirsa.

4. I have heard the arguments of both sides and with the able assistance of learned counsels perused the record.
5. As pointed out by the parties, the relevant extracts of the transfer policy are reproduced as below:

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**“4.0 Tenure of posting on transfer**  
**Inter-regional Transfers:**  
*4.10 Transfer of an officer in JMG/S-I, MMG/S-II within the Zone will be purely need based and on administrative requirements. However, the minimum tenure of an officer in any region shall be 3 years, so as to prevent frequent incidence of transfers within Zone for individual officers.*

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**Intra- Regional Transfer(including transfers from one city/place/centre to another):**  
*4.16 An officer can be posted anywhere within the Region as per needs of the Bank. However, officers, who have been in the same city/place/centre within a Region for 6 years or above, will be subjected to transfer to another city/place/centre within the same region or in other Regions of the zone, subject to non-identification for transfer to another zone.*  
*4.17 Officers, who have been in a Region contained within the same city/place/centre, for 6 years or above will be subjected to transfer to another Region or to any other city/place/centre within the zone, subject to*

*non-identification for transfer to another zone.*

xxx                      xxx                      xxx                      xxx

***Deployment to another Branch/Office within the City/Place/Centre***

xxx                      xxxx                      xxxx

*4.20 In terms of the guidelines of the Govt. of India, presently in vogue, officers have to be rotated from one Branch / Office to another Branch / office upon completion of 3 years.*

xxx                      xxxx                      xxxx

**7.0 Criteria for transfers:**

*7.1 (a) Identification of officers for Inter-Zonal, Inter-regional or transfers out of the city/place/centre shall be primarily on the basis of longest stay of Officers in the Zone, Region or city/place/centre, as the case may be.”*

6.                      From the perusal of above quoted paragraphs of transfer policy, it is quite evident that minimum tenure of an officer in any region is 3 years. The petitioner has been transferred from Sirsa to Nuh and both places fall within Hisar region, thus, there is no violation of para 4.10 of the policy.
7.                      It is settled proposition of law that it is prerogative of the employer to post its employees as per its choice. No employee can claim posting at a particular place. The Courts are not supposed to interfere in the transfer orders until and unless there is grave miscarriage of justice or abuse of process of law.
8.                      The Supreme Court in ***Punjab and Sind Bank and Others Versus Durgesh Kuwar; (2020) 19 SCC 46***, while dealing with question of transfer has held that an employee cannot have a choice of posting. Administrative circulars and guidelines are indicators of the manner in which the transfer policy has to be implemented. An administrative

circular does not confer a vested right which can be enforced by writ of mandamus. The relevant extract of the said judgment read as:-

*“17. We must begin our analysis of the rival submissions by adverting to the settled principle that transfer is an exigency of service. An employee cannot have a choice of postings. Administrative circulars and guidelines are indicators of the manner in which the transfer policy has to be implemented. However, an administrative circular may not in itself confer a vested right which can be enforceable by a writ of mandamus. Unless an order of transfer is established to be mala fide or contrary to a statutory provision or has been issued by an authority not competent to order transfer, the Court in exercise of judicial review would not be inclined to interfere. These principles emerge from the judgments which have been relied upon by the appellants in support of their submissions and to which we have already made a reference above. There can be no dispute about the position in law.”*

9. Considering the factual matrix and above cited judgment of Supreme Court in *Punjab and Sind Bank (supra)*, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction, thus, the petition is hereby dismissed.

10. Pending misc. application(s), if any, shall also stand disposed of.

( JAGMOHAN BANSAL )  
JUDGE

13.12.2023  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |