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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-484-2024

Date of Decision: 11.01.2024

Ramesh Kumar Goyal

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Chetan Bansal, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner assails his transfer from the post of Block Development Panchayat Officer to the post of Senior Assistant (Accounts) and has been shifted from Sirhind to Mohali Headquarters.
2. Learned counsel submits that the order has been passed on the ground that the petitioner had made a complaint against the Panchayat Secretary, Gram Panchayat Chhaleri Kalan, vide letter dated 05.07.2023.
3. He further submits that as per policy, he could not have been transferred before two years and even in special administrative circumstances, the transfer of Group-A officers would be done only after prior approval of the Personnel Department. He also draws attention to para 2 of the policy, which requires the couple to be posted at the same place, and submits that the petitioner's wife is posted in Nabha, and if at all the petitioner was to be transferred, he should have been posted at the place where his wife is posted.
4. Learned counsel further submits that after 31.05.2023, there was a complete ban on general transfers, and the transfers cannot be said to have been done on account of administrative exigencies.

5. I have considered the submissions.
6. This Court finds that while the policy generally lays down that officer of Group A may not be transferred before two years, the same cannot be said to be a strict rule, and on account of immediate administrative exigency which may arise, a transfer of Group-A officers can be done. The approval is not required to be mentioned in the order, but may have been taken on the file. *Post facto* approval can also be taken in such circumstances.
7. Be that as it may, the policy does not have a binding force, and a government servant is required to be performing his duties at any place where he may be asked to do so.
8. So far as the allegations levelled relating to the complaint made by the petitioner is concerned, this Court finds that the order has been passed on 21.12.2023 whereas the recommendation made by the petitioner for initiating action against the concerned Panchayat Secretary was made in July, 2023. It therefore cannot be a reason to shift him from the post. Even otherwise, administrative action of posting a person from one post to another, especially of Group-A post, is to be understood for better functioning of the State Government and does not come within the pale of judicial review.
9. Writ Petition fails and is accordingly *dismissed*.
10. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

January 11, 2024

Mohit goyal

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| 1. Whether speaking/reasoned? | <i>Yes/No</i> |
| 2. Whether reportable? | <i>Yes/No</i> |