

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

**CWP-1068-2024 (O&M)
Date of decision: 31.01.2024**

SUDHIR KUMAR VERMA**....PETITIONER**

Vs.

UNION OF INDIA AND OTHERS**...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. R.D. Bawa, Advocate and
Mr. Dipanshu Kapur, Advocate
for the petitioner.

Mr. Vikram Bajaj, Senior Panel Counsel
for Union of India-respondents.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of transfer order dated 23.09.2023 (Annexure P-7) whereby petitioner has been transferred to Penengla Project Swastik, Sikkim.

2. Mr. R.D. Bawa, Advocate submits that petitioner at present is posted at High Altitude Area (for short 'HAA'). As per policy of the respondents, an employee posted at HAA may file his option for 5 stations. The petitioner in the month of February' 2023, March' 2023 and June' 2023 submitted his option. The respondents have transferred the petitioner at a place which was not opted by him.

3. Mr. Vikram Bajaj, Senior Panel Counsel submits that petitioner in his option dated 28.02.2023 as well as 28.03.2023 opted for Rongli/Penengla. The petitioner in his option dated 27.06.2023 apart from other stations opted for Rongli and gave up his option *qua* Penengla. Both the stations are close to each

other. No vacancy is available at Rongli, thus, petitioner has been posted at Penengla.

4. Mr. R.D. Bawa, Advocate controverting submissions of Mr. Vikram Bajaj, Senior Panel Counsel submits that as per his information, vacancy is available at Rongli, thus, he should be posted at Rongli instead of Penengla.

5. It is settled proposition of law that High Court cannot interfere in the transfer matters unless and until there is patent illegality or *mala fide* on the part of one or other officer. The respondents, in the case in hand, are not disputing the fact that as per policy, the petitioner had right to furnish option of 5 stations of his choice and respondents were bound to consider those stations. The respondents are claiming that no vacancy is available at Rongli whereas claim of the petitioner is otherwise. This is a pure disputed question of fact which this Court cannot adjudicate. Thus, respondents are directed to consider claim of the petitioner as per their policy and if any vacancy is available at Rongli, the petitioner may be considered for posting at Rongli.

6. In view of the above, the present petition stands disposed of.

31.01.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No