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

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Date of Decision :01.08.2024

Hemandeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vinay Puri, Advocate for the petitioner.

Mr. Charan Preet Singh, AAG, Punjab
(keeping in view advance copy served)

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, challenge is to transfer order dated 24.07.2024 (Annexure P/5) by which, the petitioner has been transferred from Government Medical College and Hospital, Patiala to Government Medical College, Amritsar.

Learned counsel for the petitioner submits that transfer of the petitioner has been made in violation of transfer policy and hence, the petitioner is liable to be retained at Government Medical College and Hospital, Patiala. Learned counsel for the petitioner further submits that transfer order has been issued on the ground that there is a complaint of insubordination against the petitioner.



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Notice of motion.

Mr. Charan Preet Singh, AAG, Punjab accepts notice on behalf of the respondent-State and submits that impugned transfer order dated 24.07.2024 (Annexure P/5) has been passed on administrative reasons and the petitioner has already served at Patiala and keeping in view the requirement at Government Medical College and Hospital, Amritsar, he has been transferred.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, post on which the petitioner is working is a transferable post, the respondents are well within their jurisdiction to pass the order of transfer of petitioner from Patiala to Amritsar.

As per the settled principle of law settled by the Division Bench of this Court in **LPA-247-2020, titled as Nisha vs. State of Haryana, decided on 24.02.2020**, guidelines issued by the State qua the transfer policy are not enforceable. Relevant paragraph of the judgment is as under:-

7. It is to be noted that in view of the law laid down by the Supreme Court in the cases of **Mrs. Shilpi Bose and others Vs. State of Bihar and others, AIR 1991 Supreme Court 532; Union of India and others Vs. S.L Abbas, AIR 1993 Supreme Court 2444, and National Hydroelectric Power Corporation Ltd. Vs. Shri Bhagwan and another, AIR 2001 Supreme Court 3309**, transfer policy is not enforceable and an order of transfer in violation thereof cannot be assailed on that ground. It is also evident that learned Single Judge has dismissed the petition, granting liberty to the petitioner to avail of the remedies available to her under letter dated 27.8.2019.”

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Learned counsel for the petitioner has not been able to rebut that as per the judgment in *Nisha's case (supra)*, the guidelines cannot be enforced so as to challenge the transfer.

Further, with regard to the assertion that the petitioner is being transferred on the basis of complaint, it may be noticed that no such description of any complaint is mentioned in the impugned order hence, in the absence of any description given, it cannot be said that transfer order has been passed as a punishment on administrative grounds.

Keeping in view the above, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

August 01, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No