



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

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**CWP No.35080-2024 (O&M)
Date of Decision: 20.12.2024**

Sulekha Rani @ Sulekha Rani Hooda

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Bhavdeep Singh Mamli, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Article 226 of the Constitution, *inter alia*, for issuance of a writ in the nature of Certiorari/Mandamus for quashing the impugned order dated 08.11.2024 (P-2) whereby petitioner has been transferred to Chemistry Division, Regional Forensic Science Laboratory, Moginand, Panchkula (for short 'RFSL, Panchkula') & order dated 11.12.2024 (P-12) whereby representation dated 28.11.2024 (P-11) filed by petitioner was dismissed.

2. Brief facts of the case are that petitioner joined the respondent-department as Scientific Assistant Chemistry on 02.09.2011. After a few years of service, she was promoted as Senior Scientific Assistant and lastly, promoted as Senior Scientific Officer vide order dated 21.08.2024. Thereafter, petitioner submitted representation dated 16.10.2024 (P-1) and requested not to transfer her from Forensic Science Laboratory Madhuban,



Karnal (for short 'FSL, Karnal') but ignoring the same, she was transferred to RFSL, Panchkula vide impugned order dated 08.11.2024.

3. Contends that petitioner is facing great hardship inasmuch as her husband, who is posted at Sugar Mill (Karnal) and her mother-in-law, has serious medical complications. Further contends that petitioner is also suffering from depression and neck problem. Lastly contends that there are other colleagues of the petitioner who could be adjusted at RFSL, Panchkula, but the petitioner has been singled out without any justification.

4. Notice of motion.

5. At this stage, Ms. Palika Monga, learned DAG, Haryana accepts notice on behalf of respondents No. 1 to 3 and while opposing the prayer, submits that on account of the promotion of the petitioner, she has been transferred at present place i.e. RFSL, Panchkula and there is an acute shortage of staff in this laboratory; thus, petitioner being the most appropriate person has been deputed to perform the assigned task. Further submits that petitioner cannot claim as matter of right to be posted at place of her choice; especially in view of the fact that since initial appointment, petitioner remained posted at FSL, Karnal.

6. Heard learned counsel for the parties and perused the paper-book.

7. There is no quarrel that transfer is a condition of service and no employee can insist to be posted at a particular place of his/her choice. Apart that, on an earlier occasion also, petitioner filed writ petition bearing No. CWP-30812-2024 (P-10) and while disposing of the same on 21.11.2024, she was granted liberty to approach the quarter concerned for redressal of her grievance. In pursuance of aforesaid order, petitioner submitted representation on 28.11.2024 (P-11) which has been re-considered by the



competent authority, but the same has been declined vide order impugned dated 11.12.2024 (P-12).

8. While dealing with a similar controversy, Hon'ble the Supreme Court in **Shilpi Bose (Mrs.) and others Vs. State of Bihar and others, 1991 Supp (2) SCC 659** held as under:-

“4. In our opinion, the Courts should not interfere with a transfer order which is made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide. A government servant holding a transferable post has no vested right to remain posted at one place or the other; he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the Department. If the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest. The High Court overlooked these aspects in interfering with the transfer orders.”

9. Still further, in **Union of India and others Vs. S.L. Abbas, (1993) 4 SCC 357**, Hon'ble the Supreme Court in paragraph No.7, observed as under:-

“7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the



Government employee a legally enforceable right.”

10. Again, Hon’ble the Supreme Court while reiterating the legal position while dealing with transfer matters in **State of U.P. and others Vs. Gobardhan Lal, (2004) 11 SCC 402** held as under:-

“7. It is too late in the day for any Government Servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision.”

11. Perusal of the above case law would clearly reveal that transfer of an employee is an incident of service and an essential condition as well.
12. In view of the above and considering the fact that petitioner



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remained posted at FSL, Karnal since her initial appointment, the petition deserves to be dismissed with costs. However, taking a lenient view, the Civil Writ Petition is dismissed, but no costs.

Pending application(s), if any, shall also stand disposed off.

20.12.2024
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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