



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1803-2023 (O&M)

Manjinder Singh

....Petitioner

Versus

Shiromani Gurdwara Prabandhak Committee

....Respondent

Reserved on : 18.11.2025
Pronounced on: 17.12.2025
Uploaded on: 17.12.2025

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Vanita Sapra Kataria, Advocate
for the petitioner.

Mr. Gurjot Singh Sadhrao, Advocate
for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of Certiorari for quashing the order dated 11.01.2022 (Annexure P-11) issued by the respondent to the extent that it transfers the petitioner to a lower category post without protecting his status of Category 17(B) which he legally holds. It is further prayed that a writ in the nature of Mandamus be issued directing the respondent to restore the petitioner to the status and post of Manager, a Category 17(B) post,



on which he was promoted on 11.06.2015 (Annexure P-7) and granted the requisite grade on 21.07.2016 (Annexure P-8), along with a direction to the respondent to act in accordance with the Statutory Service Rules and the provisions of the Sikh Gurdwaras Act, 1925.

2. Learned counsel for the petitioner *inter alia* contended that the petitioner joined the service of the respondent-Shiromani Gurdwara Prabandhak Committee (SGPC) on 01.07.1999 in the capacity of a Clerk. He continued in service and earned successive promotions, eventually being promoted to the post of Supervisor on 12.01.2009 (Annexure P-2) and subsequently transferred as Assistant Manager, Sri Darbar Sahib on 25.09.2010 (Annexure P-3). The petitioner was granted the grade of Assistant Manager on 28.05.2012 (Annexure P-4) and later the grade of Additional Manager (Category 15(2)) on 12.10.2013 (Annexure P-6).

3. It is submitted that on 11.06.2015, the petitioner was promoted as Manager, Sri Darbar Sahib (Annexure P-7), and on 21.07.2016, he was granted the grade of the said post, which falls under Category 16 (now revised to Category 17(B) with a pay scale of 30990-132710). Learned counsel highlighted that while the petitioner was serving as Manager, Sri Darbar Sahib (Langar Branch), a controversy arose regarding the presentation of a 'Saropa' to a police officer, allegedly involved in the Kotkapura firing incident, which the petitioner claims was done under the instructions of the Head Manager. Consequently, the petitioner was transferred to Gurdwara Kurukshetra



as Incharge on 23.04.2020 (Annexure P-9) and subsequently to Gurdwara Talwandi Sabo on 12.06.2020 (Annexure P-10). However, in both instances, the transfer orders specifically protected his post and pay.

4. The grievance of the petitioner arises from the impugned order dated 11.01.2022 (Annexure P-11), whereby he was transferred as Incharge Record, Shiromani Committee. Learned counsel argued that unlike previous orders, the impugned order failed to protect his status of Category 17(B). It is contended that the post of 'Incharge' falls under Category 15, whereas the petitioner holds a substantive post in Category 17(B). Reliance is placed on Rule 2 of the Service Rules, which mandates that transfers must be made to an “appropriate/eligible post” and that no difference shall be made in salary or grade unless the transfer is by way of punishment. It is vehemently argued that transferring the petitioner to a lower category post without a formal inquiry constitutes a ‘reduction in rank’ under Rule 4 of the Service Rules, which is a major punishment requiring a charge sheet and an opportunity of hearing, none of which were provided to the petitioner. The petitioner submitted representations dated 02.09.2022 and 26.09.2022 (Annexures P-12 to P-14) and served a legal notice dated 16.10.2022 (Annexure P-15), but to no avail.

5. *Per contra*, learned counsel for the respondent-SGPC argued that the writ petition has been rendered moot in light of the subsequent office order No. 3198 dated 03.11.2023 (Annexure R-1/1)



issued during the pendency of this petition. It is submitted that the respondent is a religious institution and the transfers were effected in the ordinary course of administrative proceedings. Learned counsel contended that although the impugned order dated 11.01.2022 did not explicitly reiterate the protection of status, it was implied as the institution has consistently maintained the petitioner's status in previous transfers. The respondent asserts that by way of the order dated 03.11.2023, the petitioner's status as Manager (Category 17) and his pay grade have been explicitly reaffirmed and protected, thereby redressing his grievance.

6. In rebuttal, learned counsel for the petitioner argued that the order dated 03.11.2023 (Annexure R-1/1) does not cure the legal infirmity but rather perpetuates it. It is contended that while the new order purports to protect the "status," it still posts the petitioner as "Incharge Record," which is a Category 15 post. Learned counsel emphasized that under the Service Rules, there is no post of "Incharge" in Category 17(B); the only posts in that category are Assistant Secretary and General Manager. Therefore, retaining the petitioner on a Category 15 post violates the statutory mandate of Rule 2. It is urged that the petitioner must be restored to a post commensurate with his Category 17(B) status.

7. I have heard the learned counsel for the parties and have perused the record with their able assistance.



8. At the outset, it is necessary to examine the history of the petitioner's postings to put the present controversy in perspective. The record reveals that on previous occasions, specifically vide orders dated 23.04.2020 (Annexure P-9) and 12.06.2020 (Annexure P-10), the petitioner was transferred from the post of Manager to the post of 'Incharge' at Gurdwara Kurukshetra and Gurdwara Talwandi Sabo, respectively. Admittedly, the post of 'Incharge' falls under Category 15. However, in those instances, the transfer orders specifically protected his pay and status, and significantly, the petitioner accepted those transfers without demur.

9. The genesis of the present litigation appears to be the apprehension caused by the impugned transfer order dated 11.01.2022 (Annexure P-11), which transferred the petitioner to the post of 'Incharge Record' but remained silent on the aspect of pay and status protection. It appears that the primary grievance of the petitioner was this lack of explicit protection, which led to the filing of the present writ petition.

10. During the pendency of this petition, the respondent-SGPC has taken corrective steps to redress this grievance. By way of Office Order No. 3198 dated 03.11.2023 (Annexure R-1/1), the respondent has clarified and amended the previous order. The relevant portion of the order dated 03.11.2023 reads as under (as translated):

“S. Manjinder Singh Incharge Record 87 (Son S.Joginder Singh) working on the post of Manager Category 16, at Sri Darbar Sahib, Sri Amritsar which is now Category 17, on

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*which, the concerned is working since 27.11.2015 and having the grade of 15125-65825, who on the basis of 30990-132710 Petition No. 1803/2023 in on filing of Civil Writ Manjinder Singh Vs Shiromani G.P Committee and with regard to the opinion, the Hon'ble president while making the amendment the Office Order 3939 dated 11.01.2022, **on the basis of office reports, has allowed him to be posted as in the status of Manager Sri Darbar Sahib on the same status 87 branch, Shiromani G.P Incharge Record Committee.***”

(Emphasis supplied)

11. A perusal of the aforesaid order makes it abundantly clear that the respondent has explicitly protected the petitioner's status as 'Manager' and his pay grade, even while he performs the duties of 'Incharge'. Thus, the core grievance regarding the potential loss of financial benefits or reduction in rank effectively stands resolved. However, the petitioner remains unsatisfied, contending that the order perpetuates a legal infirmity by posting him to a 'lower' post, which he argues is violative of the Service Rules. Thus, it is appropriate to refer to Rule 2 of the SGPC Service Rules, which governs the transfer of employees. The relevant extract of the Rule is reproduced below:

“(2) **TRANSFER:-**

*(A) Any employee of Shiromani Gurdwara Prabandhak Committee can be transferred to its associated Ashrams, section 85 Gurdwaras or any other Gurdwara **against any suitable post** and similarly the employees of its subordinate Ashrams, Section 85 Gurdwaras and other Gurdwaras can also transfer the employees at any suitable posts in the*



*office of Shiromani Gurdwara Prabandhak Committee. **The President shall be competent for doing so, but at the time of making such transfer, no difference shall be made in the pay and grade etc. of any regular employee, until his transfer is not based on any punishment of any charge.***

(Emphasis supplied)

12. A plain reading of Rule 2(A) reveals that the competent authority is empowered to transfer an employee against “any suitable post”. The Rule further imposes a specific condition that while effecting such transfer, “no difference shall be made in the pay and grade etc.” of the employee. Crucially, the Rule nowhere mandates that an employee must be transferred strictly to a post of the exact same ‘category’ or nomenclature. The statutory safeguard provided is the protection of “pay and grade,” not the rigidity of the post’s title or its specific category designation.

13. In the present case, the respondent has complied with the mandate of Rule 2 by issuing the order dated 03.11.2023 (Annexure R-1/1), which ensures that no difference is made to the petitioner’s pay or grade. The determination of what constitutes a “suitable post” for an employee is primarily an administrative decision falling within the domain of the employer, subject to the exigencies of administration. As long as the employee's pay and grade are protected, posting a Manager as an ‘Incharge’ of a Record Branch cannot be termed as a violation of the statutory rules.



14. Furthermore, the law regarding judicial interference in transfer orders is well-settled. Transfer is an incident of service and unless the transfer is effected in violation of any mandatory statutory rule or having adverse consequences on the conditions of the service; the same is not to be interfered by the Courts as an Appellate Authority. In *Gobardhan Lal v. State of U.P., (2004) 11 SCC 402*, a two-Judge Bench of the Hon'ble Supreme Court, speaking through Justice Doraiswamy Raju, has 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.

8. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.”

(Emphasis supplied)

15. In the case at hand, the petitioner has failed to demonstrate any violation of the statutory provision and therefore, this Court finds that the transfer of the petitioner to the post of ‘Incharge’, while explicitly protecting his pay and status as Manager vide order dated 03.11.2023, is in consonance with Rule 2 of the SGPC Service Rules.



16.

In view of the above, the present writ petition is devoid of merit and is hereby dismissed.
17.

Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

17.12.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No