



LPA-763-2025

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

\*\*\*\*

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Date of Decision :18.08.2025

UMESH KUMAR

. . . . APPELLANT

Vs.

STATE OF HARYANA AND OTHERS

. . . . RESPONDENTS

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**CORAM: HON'BLE MR JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR JUSTICE ROHIT KAPOOR**

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Present: - Mr.Anil Kumar Sharma, Advocate, for the appellant.

Mr.Varun Gupta, DAG, Haryana.

Mr.Tejpall Singh Dhull, Advocate, for respondent No.10.

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**ASHWANI KUMAR MISHRA, J. (ORAL)**

This appeal arises out of an order passed by learned Single Judge dated 14.01.2025, whereby the writ petition filed by the appellant challenging his transfer vide order dated 05.12.2024 has been dismissed.

2. The appellant was posted as Principal, Government Senior Secondary School, Harodi, Charkhi Dadri and has been transferred in similar position to Government Senior Secondary School, Fatehpur, Kaithal. The order of transfer dated 05.12.2024 is passed on administrative ground. The order was challenged by the appellant before learned Single Judge on the ground that he had made a complaint against the Assistant Block Resource Coordinator (ABRC), who was absent from duty for most of the time and instead of taking any action against him, the appellant has been penalized. It is also alleged that respondent No.10 had indulged in other uncalled for activities. Learned Single judge has considered the

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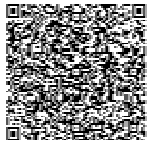
argument of malice constituting the basis of transfer in para No.4 of his order, which is reproduced hereinafter: -

“Considering the submissions made by the learned counsel, this Court is not inclined to interfere in the matter. Undisputedly, the transfer is an incident of service and the petitioner has been transferred against a vacant post on administrative grounds. The allegations of it being influenced by the tenth respondent, who was working as ABRC in the Haryana School Shiksha Pariyojna Parishad and posted in the School, are too far fetched to be accepted. There is no reasonable basis to connect the impugned order of transfer passed by the Special Secretary to the tenth respondent, nor is it believable that merely because a complaint has been made by the petitioner against the tenth respondent, the latter would hoodwink senior officers of the Department to transfer the former as a measure of punishment. Besides, no mala fides have been alleged against anybody so far as the impugned transfer order is concerned.”

2. The order of transfer has been passed by the Special Secretary to the Government of Haryana, who has not been impleaded in his personal capacity. No specific allegations have been made against him. Merely because the appellant apprehended that it was on account of the complaint made against the Assistant Block Resource Coordinator that the order of his transfer has been passed, has been found to be far fetched on the part of the appellant.

3. Admittedly, the appellant holds a transferable post and transfer is an incident of service.

4. In such circumstances, we are not persuaded to interfere with the judgment of learned Single Judge. However, it shall be open for the appellant to represent in the matter before the State Government and it



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goes without saying that such representation shall be dealt with by the Government, in accordance with law and as per the policy.

5. Subject to the observations aforesaid, this appeal is disposed of.

**(ASHWANI KUMAR MISHRA)**  
**JUDGE**

**18.08.2025**  
*Vivek*

**(ROHIT KAPOOR)**  
**JUDGE**

|                           |       |
|---------------------------|-------|
| Whether speaking/reasoned | : Yes |
| Whether reportable        | : No  |