



CWP-7096-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104+216

CM-13882-CWP-2025 in/&
CWP-7096-2022

Date of Decision :27.10.2025

Manmohan Maya & another

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioners.

Ms. Anita Balyan, Senior Panel Counsel for respondent-UIO
(through V.C.)

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 08.03.2022 (Annexure P/1) passed by the Central Administrative Tribunal, Chandigarh Bench, (hereinafter referred to as 'the Tribunal') by which, the prayer of the petitioners qua their transfer from Pathankot to Jammu is bad, was not interfered with by the Tribunal.

2. Learned counsel for the petitioners submits that while issuing notice of motion, this Court had granted an interim order in favour of the petitioners directing that in case the petitioners were not relieved from Pathankot, they shall continue to remain posted there. Learned counsel for the petitioners further submits that as of now, petitioner No.1 continues to work at Pathankot whereas, the petitioner No.2 has already joined her

posting at Jammu.

3. Learned counsel for the respondent-UOI submits that though, there is a scheme providing for the posting of female officers within a radius of 80 km, but such a provision cannot be treated as a matter of right as the same can only be treated at best as guidelines, which are not enforceable in law.

4. Learned counsel for the respondent-UOI further submits that the said policy has already been superseded in the meantime and the new policy dated 23.05.2022 has come into being.

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

6. Once, the transfer is an incident of service, the employees are bound to accept the same.

7. Further, for the female officers, keeping in view the various aspects which a female officer has to undergo including the household responsibilities a scheme has been formulated by the respondent-UOI, the same should be made applicable as far as possible.

8. As of now, the petitioner No.1 continue to work at Pathankot pursuant to the interim order granted by the Coordinate Bench of this Court dated 26.04.2022 while issuing notice of motion, whereas the petitioner No.2 has already joined and has been performing her duties at Jammu for the last three years.

9. Keeping in view the facts and circumstances noticed hereinbefore, the present petition is disposed of with the direction that impugned order 23.09.2021 passed by the authorities will not be given effect qua petitioner No.1 but as long stay is attributed to petitioner No.1 at

Pathankot, the respondent-UOI will be at liberty to transfer petitioner No.1

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to a different station for administrative purposes in case the administrative exigencies so require and till then, the petitioner No.1 will be allowed to continue at Pathankot.

10. Further, as petitioner No.2 has already joined and has been performing her duties at Jammu for the last three years, in case any representation is filed by the petitioner No.2 seeking transfer at any nearby station in the State of Punjab, the respondents shall consider the same and pass an appropriate speaking order thereon. If it is found feasible to transfer the petitioner No.2 at a nearby station in State of Punjab, she may be posted there so that her family life is not disturbed. It may be noticed that this direction has been issued keeping in view the facts and circumstances of the present case involving female officers.

11. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

October 27, 2025

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No