



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

110+272

CWP-10808-2025 (O&M)
Date of decision: 09.07.2025

Geetu Ram

... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Anurag Goyal, Advocate
for the petitioner.

Mr. Prince Singh, Advocate
for respondents No.1 & 2.

None for respondent No.3.

JAGMOHAN BANSAL, J. (oral)

1. Instant petition has been filed seeking setting aside of order dated 08.04.2025, whereby the petitioner has been transferred from Sonipat to Panchkula.

2. The petitioner at present is working with the respondents as a Superintending Engineer. He is posted at Sonipat. By the impugned order, he has been transferred to Commercial Back Office, UHBVNL, Panchkula.

3. On 16.04.2025, the following order was passed :

“Learned counsel for the petitioner submitted that it is a case where the petitioner has challenged the impugned order dated 08.04.2025 (Annexure P-3), whereby the petitioner has



been transferred from Sonipat to Panchkula and is currently working as a Superintending Engineer. He submitted that although transfer is an incidence of service and a prerogative of the employer, who may transfer any employee but the discretion has to be exercised in a reasonable manner and not arbitrarily.

Learned counsel for the petitioner further referred to the history of the petitioner from the year 2015, which has been reproduced in a tabulated form in para No. 2 of the petition wherein it is shown that from the year 2015 till date, the petitioner has been transferred at least about 13 times, some of which had tenures of only a few months and in this way he had been made a shuttlecock being moved from time to time but he never assailed the aforesaid transfers because of the aforesaid reason that transfer is an incidence of service. He submitted that now when the petitioner is at the fag end of his career and is about to attain the age of superannuation on 31.08.2026 regarding which only 16 months are left and he is posted at Sonipat and has been directed to be transferred vide impugned order (Annexure P-3) to Panchkula. There is no justification with regard to the same since the discretion has to be exercised by the employer in a reasonable manner.

He further submitted that the petitioner has a mother of the age of 80 years, who is suffering from multiple ailments and the petitioner himself is also suffering from a medical condition of Sleep Disordered Breathing (SDB) & hypoventilation with (Severe) Obstructive and Central Sleep Apnea leading to (Severe) Oxygen desaturation and sleep fragmentation with good response to PAP Therapy for which he is undergoing continuous treatment. In support of this, a 'Split Night Sleep Report' has been attached as Annexure P-6. He submitted that due to his breathing trouble at night, he needs to be taken care of by his wife and if he is transferred to



Panchkula at this stage, his mother who is of the age of 80 years, is also suffering from multiple ailments, will be left alone. He further submitted that be that as it may, there is no justification for transferring the petitioner at this stage especially when he has a clean service record as reflected in his ACRs from the year 1999 onwards, all of which are marked as 'Good', 'Outstanding', or 'Very Good'.

Learned counsel also submitted, on specific instructions from the petitioner who is present in Court, that the petitioner has an unblemished service record. Although some charge sheets were issued against him about 7-8 years ago, regarding which he has been exonerated and now only one show cause notice is pending against him, which does not pertain to any allegations of embezzlement, but relates to the wrongful uploading on the portal. He also referred to the policy of the government of the UHBVNL vide Annexure P-1/A which provides that when one year of service is left before retirement, the officer should not be transferred except on his own request. However, the petitioner has been deliberately transferred despite having about 16 months of service remaining. He further contended that the discretion has been exercised by the respondent Nigam in an arbitrary manner and it will uproot his entire family at the fag end of his career.

Learned counsel appearing on behalf of the petitioner, after seeking specific instructions, further submitted that although the aforesaid order was passed on 08.04.2025 (Annexure P-3), neither any relieving order has been received by the petitioner, nor has the petitioner joined at the new place of posting.

Notice of motion.

Dasti only.

Till the next date of hearing only, the operation of the impugned order (Annexure P-3) qua the petitioner namely



Geetu Ram shall remain stayed.

It is made clear that the aforesaid interim direction is granted only till the next date of hearing fixed before this Court and would not be deemed to be extended automatically unless it is so expressly extended by this Court.

Adjourned to 01.05.2025 ”

4. The respondents filed reply and thereafter on 22.05.2025, the following order was passed :

“Mr. Mohnish Sharma, Advocate has put in appearance on behalf of respondent No.3 and filed his power of attorney. The same is taken on record. Registry is directed to tag the same at an appropriate place.

From the perusal of record, it appears that from January’ 2015 to April’ 2025, the petitioner was transferred 13 times and impugned transfer is his 14th transfer. The details of his posting as reproduced in para 2 of the petition are as below:

Sr. No.	Period	Station
1.	13.01.2015 to 08.06.2015	OP Division, Pundri (Kaithal) as XEN.
2.	15.06.2015 to 03.11.2015	Vigilance, Rohtak as XEN
3.	04.11.2015 to 03.06.2016	OP Division, Kurukshetra as XEN.
4.	05.06.2016 to 31.06.2016	Material Management, Panchkula as XEN.
5.	06.07.2016 to 26.04.2017	Vigilance, Karnal as XEN
6.	29.04.2017 to 26.04.2018	Vigilance, Rohtak as XEN
7.	29.04.2018 to 22.01.2020	Energy Audit, Panchkula as XEN
8.	23.01.2020 to 19.06.2020	HEPC, Panchkula as XEN
9.	19.06.2020 to 27.05.2021	CGRF, Kurukshetra as XEN
10.	28.05.2021 to 01.11.2021	HEPC, Panchkula as XEN
11.	02.11.2021 to 08.05.2022	HEPC, Panchkula as Superintendent Engineer (CDC)
12.	09.05.2022 to 20.04.2023	Operation Circle, Jhajjar as Superintendent Engineer (CDC), but thereafter regularized vide order dated 03.10.2023, but w.e.f. 01.03.2023.



13.	19.04.2023 to 03.04.2025	Operation Circle, Sonipat as Superintendent Engineer.
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From the perusal of table, it appears that respondent acting in vindictive manner has transferred petitioner from one place to another.

Learned counsel for respondents No.1 and 2 is claiming that transfer is part of service and petitioner had never objected to his transfer on the earlier occasions.

Let affidavit of Managing Director of Uttar Haryana Bijli Vitran Nigam Limited be filed before the adjourned date disclosing:-

- (i) Reason why petitioner was transferred on 13 occasions during 10 years.*
- (ii) Whether any other official of the same rank has been transferred so frequently in last 10 years.*
- (iii) Detail of officers who are facing charge sheet during last 5 years.*
- (iv) Frequency of transfer of officers who are charge sheeted in the last 5 years.*

Adjourned to 27.05.2025.

Interim order to continue.

*To be taken up immediately after **Urgent List.** ”*

5. In compliance of the aforesaid order, the respondent filed additional affidavit dated 26.05.2025.
6. Mr. Prince Singh, learned counsel for respondents No.1 & 2 submits that four show cause notices are pending against the petitioner. On being asked, he conceded that till date not even a single chargesheet has been issued to him. He conceded that the petitioner during last ten years has been transferred on 13 occasions. He submits that it is not only the petitioner, there are many similarly situated officers, who have been transferred on multiple occasions in last ten years. The petitioner is holding



post of Superintending Engineer which is a senior position. On account of operational and administrative needs higher officials including Superintending Engineers are frequently transferred.

7. The respondent has framed transfer policy. As per the said policy, the minimum period of posting at a particular place is three years. An officer would not be transferred earlier than three years unless it is essential to do so on the basis of performance of the officer. The policy also provides that an official left with one year or lesser service, shall not be transferred except on his own request. The management has authority to transfer any officer at any point of time in the interest of Nigam. In case, an officer is facing chargesheet for major or minor penalty for any act or omission committed during present posting may be transferred.

8. In the case in hand, there are averments that many notices have been issued to the petitioner, however, till date no chargesheet has been issued. The petitioner is going to retire in August' 2026, meaning thereby, he has left over service of one year and one month. He has been transferred on 13 occasions during last ten years. There is noting on record disclosing that there are compelling and administrative reasons for transferring the petitioner from Sonipat to Panchkula. This Court is not oblivious of the fact that the scope of interference in transfer matters is very limited. The Courts are supposed to tread warily adjudicating question of transfer, however, there is no absolute bar. If a constitutional Court finds that transfer is going to be made contrary to policy of the organization or there is abuse or misuse of process of law, the Court may interfere.

Considering the aforestated factual position, and particularly



the policy framed by the respondents, this Court is of the considered opinion that the impugned transfer order should be set aside and ordered accordingly.

9. Writ petition stands allowed.

09.07.2025

Satyawan

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: Yes