



114

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

CWP-14146-2025

Date of Decision: 16.05.2025

PAWAN

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. I.P.S. Kohli, Advocate
for the petitioner (Through V.C.).

Ms. Rajni Gupta, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 05.05.2025 (Annexure P-3) whereby he has been transferred from the office of SDO 'OP' Subdivision Bahu (Jhajjar Circle) to the office of SDO 'OP' Subdivision Samalkha (Panipat Circle).

2. The petitioner claims that he never requested respondent to transfer him, however, he was transferred vide order dated 23.04.2025 (Annexure P-1) on the ground of 'individual interest'. He preferred Civil Writ Petition No.12246 of 2025 before this Court which was disposed of vide order dated 06.05.2025 as during the pendency of petition, the respondent vide order dated 05.05.2025 substituted ground of transfer from 'individual interest' to 'administrative ground'. The distance between both places is 140 kms.

3. Mr. I.P.S. Kohli, Advocate for the petitioner submits that



employees who were posted at Jhajjar Circle much prior to petitioner are still working but petitioner has been transferred at a distance of 140 kms. It would cause unnecessary mental, financial and physical strain to the petitioner.

4. It is settled proposition of law that scope of interference in transfer matters is very limited. It is the employer or higher authorities who have to decide posting of employees. The Court cannot determine place of posting of employees. The authorities, in the interest of administration as well public interest has to transfer its employees. Transfer is an integral part of service. There is no evidence disclosing that the petitioner has been transferred with *mala fide* intention or there is violation of policy.

5. The Supreme Court in ***National Hydroelectric Power Corporation Limited v. Shri Bhagwan and another, 2001 8 SCC 574***, has held that no Government servant or employee of a public undertaking has any legal right to be posted forever at any one particular place since transfer of a particular employee appointed to the class or category of transferable posts from one place to another is not only an incident but a condition of service, necessary too in public interest and efficiency in the public administration. Unless an order of transfer is shown to be an outcome of *mala fide* exercise of power or stated to be in violation of statutory provisions prohibiting any such transfer, the Courts or the Tribunals cannot interfere with such orders, as though they were the appellate authorities substituting their own decision for that of the management.

6. Considering the facts of the present case and judgment of



Supreme Court in *National Hydroelectric Power Corporation Limited (supra)*, this Court does not find any reason to interfere with order dated 16.04.2025 (Annexure P-6).

7. In the wake of above discussion and findings, the present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

16.05.2025
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No