

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****135****CWP-19966-2025****DATE OF DECISION: 17.07.2025****Kulwinder Singh****... Petitioner****Versus****Union of India and others****. .. Respondents****CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA****Present: Mr. Heman Aggarwal, Advocate for the petitioner.************ANUPINDER SINGH GREWAL, J. (ORAL)**

The petitioner has challenged the order dated 22.02.2024 (Annexure P-18) whereby representation of the petitioner was declined. Challenge has also been laid to the orders dated 23.12.2024 (Annexure P-23) and 24.04.2025 (Annexure P-27) respectively, whereby the Original Application and the review application have been dismissed

2. Learned counsel for the petitioner submits that the petitioner, who is posted in the Signal Section of the Railways at Jagadhari had sought his Inter Divisional Transfer to the Carriage and Wagon Department. The No Objection Certificate (NOC) had been issued by both the departments but the transfer orders were not issued by the competent authority without any justifiable reason. The petitioner has an ailing mother and a daughter, who is suffering from a heart ailment. His wife is also working. He therefore, submits that the petitioner has to work overtime and at odd hours and therefore, it is difficult for him to take care of his family members.



3. Heard.

4. The petitioner is working as Khalasi/Helper. He was earlier posted at Saharanpur and had sought transfer to Jagadhari, which is his home place. The request had been accepted and the petitioner was transferred to Jagadhari on 29.10.2011. Thereafter, he had sought inter divisional transfer for posting at Carriage and Wagon, Jagadhari Workshop.

5. In the reply filed by the respondents to OA, it had been mentioned that eight hours duty schedule was provided along with a provision of weekly rest as the Railway Department follows proper roster. In view of the ill health of the family members, the request of the petitioner had been accepted and he had been posted at his home station, Jagadhari. The petitioner had placed on record the discharge summary of his daughter prepared by the Fortis Escorts, which is of the year 2010 when she was only one and a half years old and thereafter, no document had been produced as to whether she is suffering from any ailment.

6. It is trite that a Government employee cannot claim posting at a place of his choice. The petitioner has already been posted at a place of his choice, which is his home district. He is seeking posting at another division within the same station. It is entirely upto the Administrative Department to depute an officer on an appropriate post in view of administrative exigencies. Transfer is an incidence of service and this Court would ordinarily refrain from interfering in such matters. Reference can be made to the judgment of the Supreme Court in the case of ***Public Services Tribunal Bar Assn. v. State of U.P. (2003) 4 SCC 104***. Relevant extract of the same is reproduced below:

“37. Transfer is an incident of service and is made in administrative exigencies. Normally it is not to be interfered with by the courts. This Court consistently has been taking a view that orders of transfer should



not be interfered with except in rare cases where the transfer has been made in a vindictive manner.”

7. Consequently, we do not find any illegality in the impugned order passed by the Tribunal. The petition being devoid of any merit stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

17.07.2025

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