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

CWP-26586-2025

Date of decision: 08.09.2025

Bhupinder Kumar

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus*, *certiorari* for setting aside the order dated 18.08.2025 (Annexure P-4) passed by respondent No.3 whereby, the petitioner has been transferred from SBS Nagar to Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner joined as a Peon on 13.05.2005 in the respondent-Company at District Sri Muktsar Sahib. The work and conduct of the petitioner remained satisfactory throughout his service. The petitioner also earned promotions as and when it became due. The grievance raised by the petitioner in the instant writ petition is with regard to his transfer orders. The petitioner was initially transferred to Malerkotla on 27.02.2024, thereafter, to Moga on 15.08.2024 and currently, he is working in District SBS Nagar and vide impugned order dated 18.08.2025 (Annexure P-4), he has been transferred to Ludhiana from District SBS Nagar. The transfer of the petitioner at short interval without his



completion of the minimum period prescribed in the policy is not sustainable. Further, he relies upon the transfer policy of 2018 (Annexure P-5) and submits that policy mandates that Group A and Group B officers cannot be transferred before completing two years at a station. The transfer before completing two years at a station is only permissible in view of special administrative situations or due to the employees' personal problem. Further, transfer of Group B employees, it requires the competent authority to record special reasons for transfer before completion of minimum two years of tenure. As such, vide the impugned transfer order (Annexure P-4), the respondents are not only violated the two years minimum tenure but also not assigned any reasons for his premature transfer.

3. On the other hand, the learned State counsel submits that the petitioner is resident of District Ludhiana and the transfer was made on the request of the petitioner. The petitioner has further pleaded in para 9 of the petition that his daughter is suffering from kidney problem. Earlier, he could not be posted in Ludhiana and transferred to SBS Nagar on account of non-availability of post at Ludhiana. The grievance raised by the petitioner is liable to be rejected that a transfer before the minimum tenure of two years is permissible on account of employees' personal problems and it is only due to his representation considering his case sympathetically, he was posted in his own district, as such, there is no violation of the policy and it is not a case that frequent transfers of the petitioner was the result of *malafide* or arbitrary action.

4. Having heard learned counsel for the parties and on perusal of the records, it transpires that the petitioner has made a request on given choices of four stations. One of them is at Ludhiana on which post, the petitioner has been



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transferred. The intention and representation of the petitioner is clearly discernible from Annexure P-3. The law with regard to scope of interference in the matter of transfer is well defined and any interference by this Court under Article 226 of the Constitution of India is confined only to the cases of proven *malafide*.

5. Moreover, the possibility of transfer is essentially interwoven in the service agreement, if not stated otherwise. As such, the decisions in this regard must also be taken by the relevant departments based on considerations like administrative exigencies, organizational needs as well as the cause of efficiency. Since such matters involve internal management and policy decisions particular to the employer, the scope of judicial review in this respect is fairly limited. Unless it is proved that the process was vitiated by *malafide* or the same was conducted in violation of the applicable rules and regulations or the relevant order was by an incompetent authority, the Courts ought not to interfere with it. Substituting the decision of the relevant authority with its own when the former is better placed to assess the requirements of the department would be manifestly unjust. A two-Judge bench of the Hon'ble Supreme Court in **Union of India vs. S.L. Abbas (1993) 4 SCC 357**, speaking through Justice B.P. Jeevan Reddy made the following observations in this regard:

“7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to this transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right.”



6. This approach was also reiterated by a two-Judge bench of the Hon'ble Supreme Court in *State of U.P. and others vs. Gobardhan Lal (2004)11 SCC 402*, wherein, speaking through Justice D. Raju, the following was opined:

*“7. It is too late in the day for any Government Servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. **Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made.** Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision.*

*8. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. **This is for the reason that Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surprises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.**”(emphasis added)*



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7. Reliance in this regard can also be placed on the judgments rendered by the Hon'ble Supreme Court in *Union of India vs. N.P. Thomas (1993) 6 Supp (1) SCC 704*, *N.K. Singh vs. Union of India (1994) 6 SCC 98* and *Pubi Lombi vs. State of Arunachal Pradesh and others 2024 SCC OnLine SC 279*.

8. In view of the discussion above, there is no violation of either the policy or the procedures prescribed under the rules. Accordingly, the present petition is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

08.09.2025
Neha

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