

2025:PHHC:179703



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

105

CWP-27757-2025 (O&M)  
DECIDED ON:11.12.2025

MANOJ KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shashikant Gupta, Advocate  
for the petitioner(s)

Mr. Deepak Balyan, Addl. AG. Haryana  
Mr. Udit Garg, Advocate for Respondent no. 6

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SANDEEP MOUDGIL, J

**Prayer**

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing of the impugned order dated 04.09.2025(Annexure P-8) passed by respondent no.2, whereby the petitioner was transferred from Narnaul to Charkhi Dadri, without due consideration of his medical condition, namely a left temporal bleed with seizure, which necessitates work within a 15 km radius for urgent medical care with a further direction to the respondents to allow him to continue working at Narnaul during the pendency of the petition and further prays for a stay of operation of the impugned transfer order.

**Brief Facts**

2. The petitioner is serving as Manual Assistant in the Office of the Inspector, Legal Metrology, Haryana and was earlier posted at Jhajjar. In December 2023, he was diagnosed with a left temporal brain bleed with

seizure and advised by his doctors to work within a 15 km radius to ensure timely medical care in case of an emergency. Considering his medical condition, the petitioner requested a transfer from Jhajjar to Narnaul vide request dated 30.01.2025 (Annexure P-6), which was granted on 06.03.2025 (Annexure P-7), and he continued to serve there without any complaint regarding his work or conduct.

3. In September 2025, the petitioner received the impugned order dated 04.09.2025(Annexure P-8) transferring him from Narnaul to Charkhi Dadri, which he contended was issued without assigning any reason and contrary to medical advice. Aggrieved by the same, the present petition has been filed.

**Contentions**

**On behalf of Petitioner**

4. Learned counsel for the petitioner submitted that the impugned transfer order dated 04.09.2025(Annexure P-8) was issued arbitrarily and without assigning any reason, in complete disregard of the petitioner's medical condition. It is argued that the petitioner had been diagnosed with a left temporal brain bleed with seizure and had been specifically advised to work within a 15 km radius to ensure access to urgent medical care in case of an emergency (Annexure P-5).

5. Learned counsel emphasized that the petitioner had already been transferred from Jhajjar to Narnaul on medical grounds, where he had been performing his duties efficiently without any complaint against his work or conduct. It was further contended that the transfer to Charkhi Dadri violated the petitioner's fundamental right to health and meaningful life under Article 21 of the Constitution and that no public interest or administrative exigency had been shown to justify such transfer.

**On behalf of Respondent**

6. Learned counsel for the respondents submitted that the transfer of the petitioner from Narnaul to Charkhi Dadri was made in public interest and in accordance with administrative exigencies. It is contended that the petitioner had joined the service after accepting the terms and conditions of his appointment, which included a clause making him liable to serve anywhere in Haryana and outside the State as ordered by the Government.

7. The counsel further submitted that a government servant has no vested right to remain posted at a particular place and that transfers are routine incidents of service, while highlighting that the petitioner's health had been duly examined by the Postgraduate Institute of Medical Education & Research, Chandigarh, as directed by this court vide order dated 17.09.2025 and the report indicated that his condition was stable with no surgical intervention required, thereby not preventing him from being transferred.

**Analysis**

8. On a careful consideration of the facts and the submissions advanced by the parties, the sole issue that arises for determination is whether the impugned transfer order dated 04.09.2025 (Annexure P-8) suffers from any legal infirmity justifying interference by this court under writ jurisdiction.

**Scope of Judicial Review**

9. It is well settled that except in cases where mala fide can be clearly established or a mandatory statutory provision is violated, courts should refrain from acting as appellate authorities in transfer matters. Additionally, judicial review of transfer orders is permissible only if the transfer orders are shown to be passed with *malafide*, in violation of statutory rules, or by an incompetent authority. Guidance may be drawn from the Apex Court, wherein

while dealing with the matter of transfer in the case of “***State of U.P. and***

***others v. Gobardhan Lal, (2004) 11 SCC 402***”, and in paragraph No. 8 of the judgement, the Court held as follows:

*“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 malafides 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 surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.”*

10. The petitioner’s grievance, primarily founded on his medical condition and alleged hardship, does not in itself render the transfer order unlawful. While considerations of health and compassionate grounds may be relevant in individual cases, the absence of an express statutory protection or rule prohibiting transfer on medical grounds means that mere hardship cannot confer a legal right to be exempted from transfer. In fact, High Courts have consistently observed that routine administrative transfers should not be interfered with merely because they cause inconvenience or personal hardship, unless accompanied by mala fide or violation of rules.

**Transfer- an incident of service**

11. Before advertng to the merits of the case at hand, certain basic precepts of service jurisprudence must be borne in mind being:

1. transfer is an incidence of service and lies within the exclusive domain of the employer,
2. executive instructions and administrative directions concerning transfers and postings do not confer an indefeasible right to claim a transfer or posting,
3. individual convenience of persons who are employed in the service is subject to the overarching needs of the administration, and

4. the policies which stipulate that the posting of spouses is subject to the requirement of the administration.

12. It is an admitted position that “transfer” of a government servant holding a transferable post is an ordinary incident of service and is vested in the administrative authority, which exercises such power in public interest and for administrative exigencies. Reliance may be placed on the landmark judgement of the Supreme Court in “*E.P. Royappa vs. State of Tamil Nadu (1974) 4 SCC 3*” wherein the Court held as under:

*"It is accepted principle that in public service transfer is an incident of service. It is also an implied condition of service and appointing authority has a wide discretion in the matter. The government is the best judge to decide how to distribute and utilize the services of its employees. However, this power must be exercised honestly, bona fide and reasonably. It should be exercised in public interest. If the exercise of power is based on extraneous considerations or for achieving an alien purpose or an oblique motive it would amount to mala fide and colourable exercise of power. Frequent transfers, without sufficient reasons to justify such transfers, cannot, but be held as mala fide. A transfer is mala fide when it is made not for professed purpose, such as in normal course or in public or administrative interest or in the exigencies of service but for other purpose, that is to accommodate another person for undisclosed reasons. It is the basic principle of rule of law and good administration, that even administrative actions should be just and fair."*

13. Transfer from one place to another is necessary in public interest and efficiency of public administration and that a government servant has no vested right to be posted at any particular place of his choice. Such orders *per se* do not violate any legal right unless shown to be *mala fide*, in violation of statutory provisions or passed by an incompetent authority.

14. Furthermore, in cases involving personal requests for transfer, the Supreme Court has drawn a distinction between transfers in **public interest** and those made at the request of an employee, holding that the former carries with it established administrative discretion which courts must respect, and the latter does not confer enforceable rights. While the petitioner was earlier

order of transfer was actuated by mala fide or colourable exercise of power such as to justify judicial interference.

15. A significant development in the present proceedings is the medical report furnished by the Postgraduate Institute of Medical Education & Research (in short as PGIMER), Chandigarh, pursuant to the directions of this Court vide order dated 17.09.2025 placed on record by respondent as Annexure R-2. The said report is duly signed by the Director, PGIMER and categorically records that the petitioner's neurological condition is *stable*, that no surgical intervention is required, and that there exists no medical impediment warranting restriction of his place of posting. Once a court-directed medical evaluation by a specialized government medical board concludes that the employee is medically fit, the petitioner cannot be permitted to rely upon vague or self-serving medical apprehensions to assail a transfer order. It is well settled that when conflicting medical opinions exist, greater evidentiary value must attach to the opinion of a duly constituted government medical board or a premier public medical institution. In the absence of any contrary expert opinion of equivalent standing, the PGI report conclusively negates the petitioner's plea that his transfer to Charkhi Dadri is contrary to medical advice.

16. More disturbingly, the record reveals that the petitioner sought to rely upon forged and fabricated medical documents. Such conduct strikes at the very root of the administration of justice. The petitioner not only attempted to mislead this Court but also succeeded in unnecessarily invoking the jurisdiction of this Court, resulting in wastage of valuable judicial time and compelling the State and PGI to engage in avoidable litigation. The writ jurisdiction under Article 226 of the Constitution is an equitable and discretionary jurisdiction, and it is a settled principle of law that a litigant who

approaches the Court must do so with clean hands, full disclosure and bona fide intent.

17. Viewed in this light, this court is of the opinion that not only does the authoritative report of PGI demolish the foundation of the medical plea raised against the impugned transfer order, but the attempt to buttress that plea through forged private medical documents amounts to a clear abuse of the process of law. Such misuse of judicial proceedings cannot be countenanced, particularly in service matters where administrative efficiency and public interest are paramount.

**Conclusion**

18. Consequently, the challenge to the transfer order, founded on demonstrably false medical grounds, is wholly devoid of merit and liable to be rejected on this ground alone. Accordingly, the present writ petition is dismissed being devoid of merit.

**11.12.2025**  
*Meenu*

**(SANDEEP MOUDGIL)**  
**JUDGE**

*Whether speaking/reasoned*  
*Whether reportable*

*:Yes/No*  
*:Yes/No*