



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111(5 CASES)

DECIDED ON: 12.11.2025

CWP-28208-2025 (O&M)

ASHISH KUMAR

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

CWP-28210-2025 (O&M)

RAMJESH YADAV

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

CWP-28212-2025 (O&M)

ANJU

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

CWP-28292-2025 (O&M)

JAGBIR SINGH

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)



CWP-28293-2025 (O&M)

VIJENDER KUMAR

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Sharma, Advocate,
Mr. Rohan Moudgil, Advocate,
Ms. Gitanjali Sharma, Advocate for the petitioners
in CWP-28210-2025 and CWP-28212-2025

Mr. Sunil K. Nehra, Sr. Advocate with
Mr. Karan Ranjha, Advocate for the petitioner
in CWP-28208-2025, 28293-2025 and 28292-2025

Mr. Deepak Balyan, Addl. AG Haryana.

SANDEEP MOUDGIL, J (ORAL)

Vide this common order this Court shall dispose of above said five petitions as common question of law and similar facts are involved therein.

For the sake of convenience, the facts are being taken from CWP-28208-2025.

1. **Relief Sought:**

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for setting aside the impugned order dated 17.09.2025 (P-5) qua the petitioner vide which the petitioner has been transferred from RTA Office, Narnaul to Transport

2025.PHHC:161066



Commissioner Office (Head Office) at Chandigarh within a period of 05 months contrary to Policy dated 01.06.2022 (P-1) and Policy dated 17.02.2025 (P-3).

2. Brief Facts:

The petitioner is presently working as a Transport Sub-Inspector in the office of RTA Mahendergarh (Secretary RTA, Narnaul), where he was posted vide order dated 25.04.2025 (Annexure P-4). Prior to his posting at Narnaul, the petitioner was serving at the Transport Commissioner Office (Head Office), Chandigarh. His transfer to RTA Narnaul in April 2025 was made in accordance with the prevailing transfer policy. The respondents have now issued an impugned transfer order dated 17.09.2025 (Annexure P-5), transferring the petitioner back to the Transport Commissioner Office, Chandigarh, within a short span of five months, without assigning any reason. The said transfer is in direct violation of the Transfer Policy dated 01.06.2022 (Annexure P-1) and Policy dated 17.02.2025 (Annexure P-3), both of which mandate that: Transfers should not ordinarily be made within a short period unless there are compelling reasons; and Reasons must be recorded in the transfer order. The petitioner's family circumstances are extremely compelling: His father is a heart patient who has undergone three heart surgeries, and requires daily care. His mother is suffering from rheumatoid arthritis. The respondents have also directed the petitioner to join immediately without permitting joining time, further demonstrating arbitrariness and mala fide intent.

**3. Contentions
On behalf of petitioner:**

That the impugned transfer order dated 17.09.2025 is wholly arbitrary, malafide and violative of the clause 5 (1) of Government's Transfer

2025.PHHC:161066



Policies dated 01.06.2022 and 17.02.2025, inasmuch as the petitioner has been shifted within an unduly short period of five months from his posting at RTA Narnaul without assigning any reason, despite the mandate in the policies that transfers must be reasoned and ordinarily not effected within such a short tenure. The respondents have failed to record any exigency, administrative requirement or misconduct warranting such a premature relocation, thereby rendering the order non-speaking and unsustainable in law.

On behalf of Respondents

Per contra learned counsel appearing on behalf of respondents would argue that the transfer of the petitioner dated 17.09.2025 is strictly in accordance with the Transfer Policy dated 01.06.2022 (Annexure -P-1) and Model Online Transfer Policy dated 23.05.2025 (Annexure P-3), both of which specifically empower the competent authority, with prior approval of the Hon'ble Chief Minister, to transfer any employee in relaxation of the policy provisions on administrative grounds or in public interest. That Clause 12 of the Policy dated 01.06.2022 and Clause 10 of the Policy dated 23.05.2025 expressly authorize the Administrative Secretary/competent authority to effect a transfer by recording reasons and obtaining the prior approval of the Chief Minister. The petitioner's transfer has been made under these provisions after due approval and for administrative reasons. That Clause 6(iii) and 6(iv) of the Model Online Transfer Policy, 2025 clearly provide that the Head of the Department may refer a transfer proposal to the Chief Minister on administrative grounds, and the Chief Minister retains prerogative to transfer any employee in public interest by relaxing any provision of the policy. The transfer of the petitioner falls squarely within these provisions.

2025.PHHC:161066



Heard.

4. Analysis

Having heard learned counsel for the parties and perused the record, this Court is of the considered view that the impugned transfer order dated 17.09.2025 (Annexure P-5) cannot be sustained in the eyes of law. The foundational facts are undisputed that the petitioner was transferred to the office of DTO-cum-Secretary, RTA Narnaul on 25.04.2025 and was re-transferred within a short span of five months to the Transport Commissioner Office, Chandigarh. Both the Transfer Policy dated 01.06.2022 as well as the subsequent Policy dated 17.02.2025 specifically mandate that transfers should not ordinarily be made before 1 year unless compelling administrative reasons are recorded in writing.

The respondents have failed to disclose any reason, much less a compelling administrative necessity, either in the impugned order or in their written reply. This Court notes that while Clause 12 of the 2022 Policy and Clause 10 of the 2025 Model Online Transfer Policy empower the competent authority to relax the terms of the policy with prior approval of the Chief Minister, such relaxation must be supported by recorded reasons justifying the deviation. The impugned transfer order is completely silent on reasons for relaxation, and the respondents have also not placed any material before this Court to demonstrate the existence of public interest or administrative exigency.

A mere assertion that the transfer was “administrative” cannot substitute the mandatory requirement of a reasoned decision. It is well settled that although transfer is an incident of service, once the Government frames a policy governing transfers, it is bound by its own policy, and arbitrary deviation therefrom is subject to judicial review. The absence of reasons vitiates the

2025.PHHC:161066



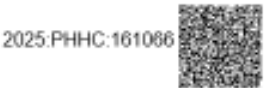
administrative action and renders it vulnerable on the touchstone of Articles 14 and 16 of the Constitution.

Moreover, the petitioner has not completed the minimum prescribed tenure as per clause 5 (i) of the transfer policy dated 01.06.2022 (Annexure P-1) and therefore could not have been included in the transfer drive. The transfer within less than one year of posting, without cogent justification or exigency, defeats the very object of tenure-based stability envisaged under the policy and amounts to arbitrary exercise of power.

While it is well-settled that transfer is an incidence of service, it must be effected in accordance with law and policy and cannot be arbitrary or mala fide. The above principle was cited with approval by the Supreme Court in the case of **“Union of India vs. S.L. Abbas (1993) 4 SCC 357”** wherein it was held that transfer is an incident of service:

“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.”

The department cannot act on its own whims and fancies; administrative discretion must be exercised within the framework of law, with transparency and fairness in action. The compliance with policy conditions needs to be strictly observed. Authority does not mean arbitrariness, and power is not a license to disregard statutory safeguards. In the present case, the respondents have failed to show any compelling administrative necessity or compliance with mandatory procedural safeguards.



5. Conclusion

For the reasons recorded above, the writ petition is allowed. The impugned transfer order dated 17.09.2025 (Annexure P-5) is hereby quashed. The petitioner shall be permitted to continue at his present place of posting at RTA Narnaul, with all consequential benefits.

A photocopy of this order be placed on the file(s) of connected case(s).

12.11.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

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