



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

108

CWP-30281-2025

Date of decision: 20.11.2025

Dr. Sumeet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Namish Sodhi, Advocate
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Article 226/227 of the Constitution of India seeking a writ of certiorari for quashing the transfer order dated 07.05.2025 (Annexure P-3), whereby the petitioner has been transferred from CHC Manawala, Amritsar to CHC, Sitogune, Fazilka.

2. The brief facts as have been pleaded in the petition are that the petitioner was appointed in the Punjab Civil Medical Services on 13.07.1994 and has discharged critical responsibilities including services as Senior Medical Officer and Acting Civil Surgeon, Amritsar, from May, 2024 to August, 2024. He suffers from permanent locomotor disability to the extent of 50%, duly certified by competent medical authorities, which is irreversible and substantially impairs his mobility. It has further been averred that on 04.04.2025, an FIR bearing No.07/2025 was registered by the Vigilance Bureau, SAS Nagar,

Mohali under Section 7A of the Prevention of Corruption Act, 1988 and immediately thereafter, the petitioner has been transferred vide impugned order dated 07.05.2025 (Annexure P-3), from CHC Manawala, Amritsar to CHC Sitogune, Fazilka (involving transfer of more than 256 kms.) and against the said transfer order, the petitioner served a legal notice dated 25.06.2025 (Annexure P-4), followed by a detailed representation dated 20.08.2025 (Annexure P-5) before respondent No.2 which have not been considered by the respondents.

3. Learned counsel for the petitioner submits that since the petitioner is suffering from 50% permanent disability as duly certified by the competent medical authority, therefore, he ought not to have been transferred from his present place of posting and, therefore, the transfer order may kindly be set aside.

4. On receipt of advance copy, learned State counsel, on instructions from Mr. Dilbag Singh, Sr. Assistant, DHS Office, Punjab, Chandigarh, submits that in pursuance to the transfer order the petitioner has already joined at the transferred place on 16.05.2025. He further submits that although the petitioner has submitted a representation, however, the same was submitted after a period of 03 months and 13 days from the date of order of transfer and the present writ petition has been filed on 01.10.2025. He has also produced a copy of instructions dated 24.01.2023, issued by the Department of Personnel, Government of Punjab, which provides for action to be taken against Government employees against whom FIRs are registered and who are convicted on a criminal charge. Para 5 of the said instructions reads as under:-

“5. Where an FIR is registered against a Government officer/official for an offence involving moral turpitude, the Government officer/official will be immediately transferred to a post that involves no Public dealing. In other cases, where the offence does not involve moral turpitude, the Government officer/official will not be posted/continued in the district where FIR is registered.”

5. Learned State counsel submits that in pursuance to the said instructions, the petitioner has been transferred. He further submits that the petitioner has no vested right to continue at a particular place of posting. The Hon'ble Supreme Court in ***Union of India Vs. S.L. Abbas : 1993 AIR SC 2444***, while considering the same issue has held that transfer is an incidence of service and no employee has a vested right to remain at a particular place of posting. To the similar effect are the judgments ***Iqbaljeet Singh Vs. State of Punjab and another : 2022(4) SCT 733***; ***Sri Pubi Lombi Vs. The State of Arunachal Pradesh & others : 2024(3) Scale 644*** and ***Mool Chand Tewatia Vs. Union of India and others : 2016(2) SCT 427***.

6. At this stage, learned counsel for the petitioner wishes to withdraw the present petition.

7. Dismissed as withdrawn.

20.11.2025

Vinay

(NAMIT KUMAR)
JUDGE

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