



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

CWP-32635-2025

Date of Decision: 10.11.2025

Rana Jagroop Singh

...Petitioner

Vs.

State of Punjab and Ors.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Madhav Pokhrel, Advocate
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India with a prayer to issue a writ in the nature of Certiorari for setting aside the transfer order dated 23.10.2025 (Annexure P-1) issued by respondent No.1, whereby, the petitioner has been transferred from Sub-Center Madhar under CHC Doda, District Sri Muktsar Sahib to CHC Dhundike, District Moga.

2. Learned counsel for the petitioner contends that the petitioner was initially appointed as Multipurpose Health Worker (Male) on 28.05.2007 on contract basis and later on, his services were regularised on 30.06.2011. He further contends that vide order dated 23.10.2025 (Annexure P-1), the petitioner has been transferred from Sub-Center Madhar under CHC Doda, District Sri Muktsar Sahib to CHC Dhundike, District Moga, which is at a distance of about 80 kilometres. He further contends that the impugned order (Annexure P-1) seems to have been passed by the respondents only with a view to

accommodate respondent No.3 and while passing the impugned order, the transfer policy of the State of Punjab has been completely overlooked. Learned counsel further contends that there was complete ban on general transfers after 15.09.2025 and the transfer has been made by overlooking the policy issued by the State of Punjab, itself.

3. I have heard learned counsel for the parties and perused the record carefully.

4. During the course of arguments, learned counsel for the petitioner has admitted the fact that the petitioner was initially appointed as Multipurpose Health Worker (Male) on 28.05.2007 on contract basis and his services were regularised by the respondents on 30.06.2011. It is an admitted position that the petitioner is posted at Doda, Sri Muktsar Sahib since his appointment i.e. for almost more than 18 years. Now, after a period of 18 years, he has been transferred from Sub-Center Madhar under CHC Doda, District Sri Muktsar Sahib to CHC Dhundike, District Moga, which is at a distance of 80 kilometres.

5. The Hon'ble Supreme Court has held in the matter of "**State of U.P and others Vs. Ashok Kumar Saxena and another (1998) 3 SCC**" categorically observed that transfer of an employee is within the prerogative power of an employer and normally the High Court should not interfere by exercising its jurisdiction under Article 226 of the Constitution of India unless it is shown clearly as mala fide or infraction of any professed norms and held as follows:-

*".....The parameters of the powers of a Court under Article 226 vis-a-vis an order of transfer for are well settled. In **N.K. SINGH VERSUS UNION OF INDIA 7 ORS. (1994) 6 S.C.C. 98**, this Court held that interference by judicial*

review is justified only in cases of mala fides or infraction of any professed norms or principles and where career prospects remain unaffected and no detriment is caused to the concerned Government employee, challenge to the transfer must be eschewed. Reiterating the said proposition in Sri Abani Kanta Ray Versus State of Orissa & Ors. J.T. 1995 (7) S.C. 467 the Court added that transfer being an incidence or service, is not to be interfered with by the Courts unless it is shown clearly arbitrary.....

6. Similarly, in **Somesh Tiwari Vs. Union of India and others (2009) 2 SCC 592**, the Hon'ble Supreme Court again observed that an order of transfer is an administrative order, which is ordinarily an incident of service and the same should not be lightly interfered with. The relevant observations of the Hon'ble Supreme Court are reproduced as follows:-

“.....Indisputably an order of transfer is an administrative order. There cannot be any doubt whatsoever that transfer, which is ordinarily an incident of service should not be interfered with, save in cases where inter alia mala fide on the part of the authority is proved. Mala fide is of two kinds - one malice in fact and the second malice in law. The order in question would attract the principle of malice in law as it was not based on any factor germane for passing an order of transfer and based on an irrelevant ground i.e. on the allegations made against the appellant in the anonymous complaint. It is one thing to say that the employer is entitled to pass an order of transfer in administrative exigencies but it is another thing to say that the order of transfer is passed by way of or in lieu of punishment. When an order of transfer is passed in lieu of punishment, the same is liable to be set aside being wholly illegal....”

7. In the present case also, the petitioner was posted at Doda, District

Sri Muktsar Sahib and has been ordered to be transferred by the respondents after a period of 18 years. Even no employee can claim that he should be allowed to continue only at one particular station for an indefinite period of time. Even, he has failed to show that any authority had acted against the petitioner in a mala fide manner or he had been victimized by any other officer. Still further, the law is well settled that a employer is well within his rights to tranfer any employee on administrative grounds and the transfer is considered to be an incidence of service.

8. Thus, finding no merits, the present petition is accordingly, dismissed.

10.11.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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