



CWP-35365-2024 (O&M)

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

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CWP-35365-2024 (O&M)

Date of decision: 10.01.2025

Kulwinder Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.NPS Mann, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

Mr. Nakul Sharma, Advocate for respondent No.5.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition for quashing the order dated 19.12.2024 passed by respondent No.2 vide which the petitioner was transferred.
2. Learned counsel for respondent No.5, has vehemently opposed the present petition by stating that the petitioner has not come to the Court with clean hands as the material fact of he having remained posted at the same station for more than 14 years i.e. Sangat, while the Policy dated 23.04.2018 (Annexure P5) envisages that the employee can be at a station only for 5 years, which learned counsel despite his best efforts was not able to controvert.
3. As has been held by Hon'ble the Apex Court in **Rajendra Singh & Others Vs. State of Uttar Pradesh & Others**¹, that a government servant has no vested right to remain posted at a place of his choice nor can he insist that he

¹ (2009) 15 SCC 178



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must be posted at one place or the other. He is liable to be transferred in the administrative exigencies from one place to the other. 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 contrary. No Government can function if the government servant insists that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires.

4. The petitioner having been unable to demonstrate the order impugned to be tainted by malice or in violation of statutory provisions, or issued by an authority lacking jurisdiction, with the established view that a transfer policy or guidelines do not confer any enforceable right on an employee, as held in **Union of India v. S.L. Abbas**², besides transfer being a mere incidence of service, the present petition being bereft of merit is hereby dismissed.

10.01.2025

ashok

**(AMAN CHAUDHARY)
JUDGE**

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

² 1995 (4) SCT 455.