

**CWP-6614-2026****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****107****CWP-6614-2026****Date of Decision: 06.03.2026****Jarmanjeet Singh****...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Prabhjot Singh, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 16.02.2026 whereby he has been transferred. He is further seeking directions to respondent to decide his representation dated 23.02.2026.

2. The petitioner joined Punjab Police as Constable on 08.12.2016 in District Amritsar (Rural). He was transferred from time to time. He vide order dated 16.02.2026 was transferred from District Amritsar (Rural) to Ludhiana City and was relieved from Police Lines Amritsar (Rural) vide order dated 17.02.2026 to join at Ludhiana City. He preferred representation dated 23.02.2026 before Director General of Police, Punjab to cancel his transfer order but to no avail.

3. Learned counsel for the petitioner submits that respondent has transferred the petitioner to settle political vendetta. The transfer has been made in violation of transfer policy dated 23.04.2014 wherein an employee



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cannot be transferred prior to completion of 2 years on one station. This Court in similar situations has stayed the order of transfer.

4. Mr. Aman Dhir, Deputy Advocate General, Punjab, who on advance notice is present in Court on behalf of respondent-State, submits that impugned order has been passed by competent authority. No *mala fide* of respondents is involved. It is settled proposition of law that scope of interference in transfer matters is very limited. It is the employer or higher authorities who have to decide posting of employees. The Court cannot determine place of posting of employees. The authorities, in the interest of administration as well as public interest, has to transfer its employees. Transfer is an integral part of service. Except bald allegations, there is no concrete evidence disclosing that the petitioner has been transferred with *mala fide* intention or there is violation of policy. The respondent-authorities, as per need of the hour, have decided to transfer the petitioner. The petitioner cannot claim right over present place of posting.

5. Heard the arguments and perused the record.

6. The Hon'ble Supreme Court in ***National Hydroelectric Power Corporation Limited v. Shri Bhagwan and another, 2001 8 SCC 574*** has held that no Government Servant or employee of a public undertaking has any legal right to be posted forever at any one particular place since transfer of a particular employee appointed to the class or category of transferable posts from one place to another is not only an incident but a condition of service, necessary too in public interest and efficiency in the public administration. Unless an order of transfer is shown to be an outcome of *mala fide* exercise of power or stated to be in violation of statutory provisions prohibiting any such transfer, the Courts or the Tribunals cannot



interfere with such orders, as though they were the Appellate Authorities substituting their own decision for that of the management.

7. Supreme Court in ***State of U.P. v. Gobardhan Lal, (2004) 11 SCC 402*** has held that a Government Servant once appointed at a particular place or position cannot continue for as long as he desires. Transfer is not only an incident inherent in terms of the appointment but also implicit as an essential condition of service. Unless order of transfer is outcome of *mala fide* exercise of power or violative of any statutory provision, an order of transfer cannot be interfered with as a matter of course or routine for any or every type of grievance sought to be made. A challenge to an order should be eschewed and should not be countenanced by the Courts or Tribunals. The relevant extracts of the judgment read as under :

“7. It is too late in the day for any government servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. 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 contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no



infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision.

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 mala fides 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.”*

8. The Apex Court vide judgment dated 13.03.2024 in ***Pubi Lombi v. State of Arunachal Pradesh & others, (2024) 12 SCC 292*** has laid down parameters of interference in transfer matters. Court has held that judicial interference in transfer matters is not warranted in absence of (i) pleadings regarding *mala fide*, (ii) non-joining the person against whom allegation are made, (iii) violation of any statutory provision (iv) the allegation of the transfer being detrimental to the employee who is holding a transferrable post.

9. Considering the facts of the present case and judgments of Supreme Court, this Court does not find any reason to interfere with order



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dated 16.02.2026. The petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

06.03.2026

Mohit Kumar

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