

2026:PHHC:048565



126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7271-2026
DECIDED ON: 11.03.2026

RAJESH KUMAR AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rajat Mor, Advocate
for the petitioners.

SANDEEP MOUDGIL, J

Prayer

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing of impugned transfer orders dated 31.12.2025 (Annexure P-2) and subsequent proceedings, and further for a direction to allow the petitioners to continue at their original place of posting.

Brief Facts

2. The petitioners are working as Block Programme Managers (BPM), Block Cluster Coordinators (BCC) and Data Entry Operators (DEO) under the Haryana State Rural Livelihoods Mission (HSRLM) on contractual basis since the years 2014 to 2019 and have continued in service without any break. Vide impugned order dated 31.12.2025, the petitioners were transferred from one block

to another within District Kaithal. The grievance raised is that the said order has been issued by respondent No.4, who allegedly lacked jurisdiction and that the same was passed without approval of the competent authority and without administrative exigency.

Contentions on behalf of the petitioners

3. Learned counsel for the petitioners contends that the impugned transfer orders have been issued by an authority lacking jurisdiction under the governing framework of HSRLM. It is argued that the transfers were effected without the approval of the competent authority and in the absence of any administrative exigency, rendering the action arbitrary and discriminatory, purportedly undertaken to accommodate favoured candidates. It is further submitted that the subsequent act of respondent No.4 in seeking approval itself evidences an acknowledgment of lack of authority to pass the impugned orders. It is also averred that the transfers have resulted in serious hardship and prejudice to the petitioners.

Analysis

4. I have heard learned counsel for the parties and have perused the record with their able assistance.

5. At the outset, it requires to be noticed that transfer is an incidence of service and the scope of judicial review in such matters is extremely limited.

6. The Court in *Union of India vs. S.L. Abbas, (1993) 4 SCC 357*, has categorically held that an employee has no vested right to remain posted at a particular place and transfer orders should not be interfered with unless they are vitiated by mala fides or violation of statutory provisions. Relevant extract of the judgment reads as under:-

“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. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right.”

7. Additionally, judicial review of transfer orders is permissible only if the transfer orders are shown to be passed with *malafide*, in violation of statutory rules, or by an incompetent authority. Guidance may be drawn from the Apex Court, wherein while dealing with the matter of transfer in the case of “***State of U.P. and others v. Gobardhan Lal,***” (2004) 11 SCC 402, and in paragraph No. 8 of the judgement, the Court held as follows:

“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 malafides 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. Applying the aforesaid settled principles to the facts of the present case, this Court finds that even if the contention of the petitioners regarding initial lack of approval is accepted at its face value, the subsequent development cannot be overlooked, inasmuch as the competent authority, i.e. the Chief Executive Officer, HSRLM, has vide letter dated 10.02.2026 expressly affirmed the proposal

relating to the impugned transfer orders, thereby curing any alleged defect by way of ratification in accordance with settled principles of administrative law. Consequently, the contention that respondent No.4 lacked jurisdiction loses its significance and the impugned order cannot be held to be void or without jurisdiction at this stage.

9. Further, the allegations of arbitrariness, mala fide and discrimination are vague and unsupported by any cogent material, and mere bald assertions cannot warrant interference under Article 226 of the Constitution. It is also not in dispute that the petitioners are contractual employees and do not possess any vested right to remain posted at a particular place, their deployment being subject to administrative exigencies and functional requirements. Moreover, no violation of any statutory rule or binding policy has been demonstrated, and in such circumstances, this Court would be slow to substitute its own view in place of that of the competent administrative authority.

10. A significant aspect which requires consideration is that although the petitioners have relied upon the communication dated 31.12.2025, forwarded on 08.01.2026, to contend that respondent No.4 lacked the requisite authority and had sought post facto approval, the said contention loses its force in light of the subsequent development on record. It is an admitted position that during the pendency of the present proceedings, the competent authority, namely the Chief Executive Officer, HSRLM, Panchkula, vide communication dated 10.02.2026, has affirmed the proposal relating to assigning charge of Block Offices pursuant to the impugned order dated 31.12.2025. Once such approval has been accorded by the competent authority upon due application of mind, the alleged defect, if any, in the initial exercise of power stands duly cured by ratification, and the impugned

action cannot thereafter be assailed on the ground of lack of prior approval or jurisdiction.

Conclusion

11. In view of the aforesaid discussion, this Court is of the considered opinion that the impugned transfer orders dated 31.12.2025 (Annexure P-2) do not suffer from any illegality warranting interference; the subsequent approval dated 10.02.2026 by the competent authority cures any alleged procedural defect; no case of mala fide, arbitrariness or violation of statutory provisions has been made out.

12. Accordingly, finding no merit in the present writ petition, the same is dismissed.

13. Pending applications, if any, also stand disposed of.

14. No order as to costs.

(SANDEEP MOUDGIL)
JUDGE

11.03.2026
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*