

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:037181-DB



LPA-663-2026 (O&M)

Date of Decision: 10.03.2026

Gurjit Singh ...Appellant
Vs.

Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Mahipal S. Yadav, Advocate for the appellant.

Mr. S.K. Sharma, Sr. Panel Counsel for UOI.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of an order passed by the learned Single Judge, whereby the challenge to the transfer order passed against the appellant, has been rejected.
2. The appellant admittedly is a constable in CISF and was posted at Chandigarh. He was transferred consequent to reduction of CISF staff at Chandigarh, pursuant to a letter issued by the Ministry of Home Affairs, Government of India, dated 04.10.2024. The transfer of the appellant is to a unit at Hisar, in Haryana. A representation was made by the appellant to be posted at Chandigarh on the ground that his wife is also employed there. The Office Memorandum issued by the Central Government for posting of couple at one place was relied upon.
3. Learned Single Judge in para No.5 has observed as under:-

“5. The petitioner submitted a representation dated 05.11.2024 (Annexure P-5) seeking cancellation of the transfer order on the grounds of being a couple case, medical treatment at Chandigarh, and family difficulties. A movement order was thereafter issued on 07.11.2024 (Annexure P-6), and the petitioner joined his new place of posting at RGTPP Khedar on 08.11.2024, while his representation remained pending.”

4. In para No.27, the learned Single Judge has thereafter taken note of Section 15 of the Central Industrial Security Force Act, 1968, as per which, every employee in CISF is liable to be posted anywhere in the country. It is thereafter that reliance is placed upon the judgment of the Hon’ble Supreme Court in **Union of India v. S.L. Abbas, (1993) 4 SCC 357**, and subsequent judgements to hold that the rejection of representation for transfer back to Chandigarh merits no interference.

5. Learned counsel for the appellant states that the husband and wife are liable to be posted at once place.

6. Though the employer in terms of policy is required to consider posting of husband and wife together but such guidelines cannot be read as a statute/law so as to specifically post a couple at one place. The observations made by the Hon’ble Supreme Court in para No.7 of S.L. Abbas case (supra) is apposite and 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. Learned Single Judge has also observed that no violation of statutory provisions is shown in the transfer nor does it suffer from *mala fide* or apparent arbitrariness. So far as the examination of the appellant’s claim on merit is concerned, we find the appreciation of the appellant’s grievance to have been validly accorded consideration by the learned Single Judge. No interference in such circumstances is warranted in the present case.
8. For the foregoing reasons, the appeal fails and is dismissed accordingly. However, as and when fresh exercise of transfer is undertaken by the respondents, it shall be open for the appellant to submit representation to the authorities for his posting at a nearby location which would be accorded consideration notwithstanding the dismissal of the writ petition, depending upon administrative exigencies and applicable guidelines.
9. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

10.03.2026
rajesh

1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No