



104

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7563-2026 (O&M)
Date of decision: 13.03.2026

Kuldeep Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. Sukhdeep Parmar, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 03.03.2026 (Annexure P-13) issued by respondent No.3, vide which the petitioner has been transferred from SDE (Hort.), Sub Division, Karnal with additional charge of SDE (Hort.), Sonapat to SDE (Hort.), Sub Division Rewari and further to issue a writ in the nature of *mandamus* directing the respondents to stay operation and implementation of



the impugned order (Annexure P-13) during pendency of the present petition and also to allow him to continue at the present place of posting i.e. SDE (Hort.), Sub Division, Karnal with additional charge of SDE (Hort.), Sonapat.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is serving as Sub Divisional Engineer (Horticulture) in Haryana Shehri Vikas Pradhikaran (for short 'HSVP') and he has been transferred from Karnal to Rewari without serving minimum tenure as prescribed under the Model Online Transfer Policy dated 23.05.2025. As such, transfer is *malafide* and he has been continuously harassed by Executive Engineer (Horticulture), HSVP, Panchkula. Further, salary of the petitioner has not been disbursed on time and even the annual increment for July, 2025 has been withheld. Feeling aggrieved by the continuous harassment, the petitioner made a complaint dated 09.09.2025 (Annexure P-4) against the Executive Engineer (Horticulture), HSVP, Panchkula to the Chief Administrator, HSVP. As such, it is fully established that impugned transfer order was passed as an act of vendetta and victimization in retaliation to the aforesaid complaint. Further, in view of the instructions dated 26.12.2024 (Annexure P-8), no transfer order of any employee can be issued without 'Transfer Advisory' from the office of Chief Minister, Haryana and the same shall be issued through HRMS transfer online module only. The transfer policy clearly mandates minimum tenure at one station. As such, impugned transfer order is liable to be set aside.

3. *Per contra*, learned State counsel as well as learned counsel for

2026:PHHC:039059



respondent No.3 contend that present petition has become infructuous, as the petitioner has not disclosed the fact that he has already joined the new place of transfer/posting on 11.03.2026 after availing the joining period of 08 days as prescribed under Rule 77 of Haryana Civil Services (General) Rules, 2016. Further, the transfer has been made in view of confidential letter dated 03.02.2026 sent by Executive Engineer, HSVP Horticulture Division, Panchkula, addressed to the Chief Vigilance Officer, HSVP, Panchkula, in which performance of the petitioner has been duly demonstrated. It has been highlighted that due to negligence of the petitioner, not only the respondent authority suffered loss, but he has been found negligent in performing the official duties on number of occasions. Due to his serious negligence, the petitioner was earlier cautioned on 21.01.2026 to be careful in future while submitting the bills of executed works of contractors/firms for payments to this office. As such, transfer of the petitioner is justified.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that scope of interference in transfer matters is very narrow. The extraordinary powers can be exercised only when apparent *malafide* is shown and if blatant violation of the policy is found to have been committed. Present case does not fall within those rare circumstances, in which this Court interjected in the transfer drive. Further, the arguments raised by learned counsel for the respondents, in the considered opinion of this Court, justify transfer of the petitioner on administrative grounds.



5. Moreover, the possibility of transfer is essentially interwoven in the service agreement, if not stated otherwise. As such, the decisions in this regard must also be taken by the relevant departments based on considerations like administrative exigencies, organizational needs as well as the cause of efficiency. Since such matters involve internal management and policy decisions particular to the employer, the scope of judicial review in this respect is fairly limited. Unless it is proved that the process was vitiated by *mala fide* or the same was conducted in violation of the applicable rules and regulations or the relevant order was by an incompetent authority, the Courts ought not to interfere with it. Substituting the decision of the relevant authority with its own when the former is better placed to assess the requirements of the department would be manifestly unjust. A two-Judge Bench of the Hon'ble Supreme Court in ***Union of India Vs. S.L. Abbas, (1993) 4 SCC 357***, speaking through Justice B.P. Jeevan Reddy, made the following observations in this regard:

“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 this 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.”

6. This approach was also reiterated by a two-Judge Bench of the



Hon'ble Supreme Court in *State of U.P. and others Vs. Gobardhan Lal, (2004)11 SCC 402*, wherein, speaking through Justice D. Raju, the following was opined:

“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 surprises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.

(emphasis added)

7. Reliance in this regard can also be placed on the judgments rendered by the Hon'ble Supreme Court in ***Union of India Vs. N.P. Thomas, (1993) 6 Supp (1) SCC 704, N.K. Singh Vs. Union of India, (1994) 6 SCC 98*** and ***Pubi Lombi Vs. State of Arunachal Pradesh and others, 2024 SCC OnLine SC 279.***

8. In view of the above discussion, this Court finds no ground to exercise the extraordinary powers under Article 226 of the Constitution of India. Accordingly, the present petition is dismissed.

9. The pending miscellaneous application(s), if any, shall stand disposed of.

**[HARPREET SINGH BRAR]
JUDGE**

13.03.2026
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No