



CWP-8234-2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-8234-2026 (O&M)
Date of decision : 18.03.2026

LAKHWINDER SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner has challenged the transfer order dated 16.02.2026 (Annexure P-3) passed by respondent No.3, vide which, the petitioner has been transferred from Amritsar City to SAS Nagar (Mohali) and has been relieved vide letter dated 23.02.2026 (Annexure P-4).

2. The brief facts of the case are that the petitioner was working on the post of Assistant Sub-Inspector (ASI Local Rank) in District Police Line-PL-Amritsar City. The petitioner has now been transferred from Amritsar City to SAS Nagar (Mohali) vide order dated 16.02.2026 (Annexure P-3) and has also been relieved vide order dated 23.02.2026 (Annexure P-4).

Aggrieved against the order of transfer dated 16.02.2026 (Annexure P-3)

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and the relieving order dated 23.02.2026 (Annexure P-4), the petitioner has filed the present writ petition challenging the same.

3. The challenge to the order of transfer is primarily on the ground that the wife of the petitioner belongs to the Shiromani Akali Dal Party and had contested the Gram Panchayat elections of the village Gaderzada in the year 2024 on behalf of the said party and was elected as a Sarpanch of the village. It is the case of the petitioner that prior to the said election, the ruling party had been pressurizing the petitioner's family to leave the Shiromani Akali Dal Party and join the Ruling Party. It is alleged that respondent No.7 by using his pressure being a local political leader has transferred the petitioner from Amritsar to Mohali.

4. It is well settled law that transfer is an incident of service, and no Government employee has any legal right to be posted forever at one particular place. The order of transfer can only be interfered by the Court on the grounds that the order of transfer has not been passed by the Competent Authority, being against the rules or there is an allegation of mala fide.

5. In the present case, the allegation of mala fide has been alleged merely for the sake of making such an allegation. There is no evidence or material led by the petitioner to prove that the petitioner has been transferred due to influence of respondent No.7. Allegations of mala fide are eagerly made than proved, such seriousness of allegation demands high proof of credibility.

6. Reliance is made to the judgment passed by Hon'ble the



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Shri Bhagwan and another, 2001 8 SCC 574 wherein it has been established that employees have no vested legal right to remain at a specific situation indefinitely. Transfer is an inherent condition of service, essential for administrative efficiency and the public interest. Judicial or quasi judicial intervention is prohibited unless the transfer order is mala fide or violates statutory provisions. Courts must not act as a appellate authorities over management decisions.

7. Reliance is also made to the judgment passed by Hon'ble the Supreme Court in **State of U.P. v. Gobardhan Lal, (2004) 11 SCC 402** wherein it was held that Courts and Tribunals must not interfere with transfer orders routinely or for minor grievances. A challenge of such an order should only be entertained if there is clear evidence of bad faith (mala fide) or breach of a specific statute; otherwise, judicial interference should be strictly avoided. The relevant extract is reproduced hereunder:-

“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



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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. Taking into consideration the facts of the present case and law laid down by Hon'ble the Supreme Court, this Court finds no reason to interfere with the order of transfer dated 16.02.2026 (Annexure P-3) and relieving letter dated 23.02.2026 (Annexure P-4).

9. Accordingly, the present writ petition is dismissed.

10. Pending application(s), if any, shall also stand(s) disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

18.03.2026
Rimpal

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No