



LPA-975-2026 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-975-2026 (O & M)

Date of decision:09.04.2026

AMIT BEHAL

...APPELLANT

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Mitul Singh Rana, Advocate for the appellant.

SUVIR SEHGAL, J.

CM-2414-LPA-2026

1. For the reasons given in the application, which is supported with an affidavit of appellant, delay of 31 days in filing of the appeal is condoned.

2. Application is allowed.

Main Case

1. This letters patent appeal has been filed assailing judgment dated 30.01.2026 passed by learned Single Judge in CWP-35868-2025, whereby a writ petition filed by the appellant challenging transfer order dated 27.11.2025, Annexure P-4, has been dismissed.

2. Mr. Mitul Singh Rana, Advocate, has argued that appellant, who was working as a Patwari, has been transferred from Nangali to Muradpura, District Amritsar vide order, Annexure P-4, within a short span of four months from his previous posting. He contends that transfer order

has been passed mid-term, without administrative justification and in breach



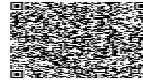
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of transfer policy dated 23.04.2018, Annexure P-3. It is his submission that transfer is arbitrary and learned Single Judge has erred in dismissing the writ petition. Counsel has also placed reliance upon judgment of Supreme Court in **Union of India and others Vs. S.L. Abbas (1993) 4 SCC 357, Somesh Tiwari Vs. Union of India and others (2009) 2 SCC 592** as well as upon a judgment of Single Bench of this Court in **Ashish Kumar and others Vs. State of Haryana and others Law Finder Doc Id #2823085**.

3. Counsel for the appellant has been heard and record has been perused with his able assistance.

4. It is a settled legal position that transfer is an exigency of service and a government employee does not have a vested right to remain posted at a particular place, moreso, at a place of his choice. In **S.L. Abbas's case (supra)**, Supreme Court has observed that transfer of an employee is exculsively in the domain of the administrative department and unless transfer order is vitiated by *mala fides* or is made in violation of any statutory provisions, Court cannot interfere with it. A similar view has been taken by the Supreme Court in **State of U.P. and others Vs. Gobardhan Lal (2004) 11 SCC 402** while observing that transfer is an essential condition of service. In **National Hydroelectric Corporation Limited Vs. Sh. Bhagwan and another (2001) 8 SCC 574**, Supreme Court has reiterated that Court cannot act as an appellate authority in transfer matters and substitute its own decision. Reference can also be made upon the observations of the Supreme Court in **Sh. Sri Pubi Lombi Vs. State of Arunachal Pradesh (2024) 12 SCC 292** as well as a Division Bench of this Court in **Mool Chand Tewatia Vs. Union of India and others 2016 (1) PLR 178**.



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5. Insofar as the present case is concerned, appellant has failed to plead or establish any *mala fide* against the administrative authority. Appellant has been transferred within district Amritsar and the new place of posting is barely 20-30 kilometers from original place of posting. There is nothing to show that any statutory rule has been breached while passing the transfer order. Insofar as the reliance upon the instructions, Annexure P-3, is concerned, suffice is to say that instructions are directory and in the nature of guidelines. A writ petition to enforce such instructions is not maintainable. Reliance placed by counsel for the appellant upon ***Somesh Tiwari's case (supra)*** would not advance his case as the Apex Court interfered with the transfer order after coming to a conclusion that it was actuated by malice. Insofar as the judgment in ***Ashish Kumar's case (supra)*** is concerned, this Court is of the opinion that the judgment is not good law in view of the judicial precedents noticed in the preceding paragraph. This Court does not find any illegality or perversity in judgment passed by the learned Single Judge, which does not warrant any interference.

6. Finding no merit in the appeal, it is dismissed, though with no order as to costs.

7. Pending applications, if any, are disposed of.

(SUVIR SEHGAL)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

09.04.2026
sheetal

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No