

2026:PHHC:034981



106+211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-2208-CWP-2026 in/and
CWP-22918-2024
DECIDED ON: 07.03.2026

SMT PALKI SINGLA

.....PETITIONER(S)

VERSUS

UNION OF INDIA AND ORS

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.M. Kansal, Advocate
for the petitioner(s)

Ms. Gurmeet K. Gill, Advocate for
respondents No.1 to 4

SANDEEP MOUDGIL, J (ORAL)

CM-2208-CWP-2026

Application is allowed, as prayed for.

Annexures P-1 to P-2 are taken on record subject to all just
exceptions.

CWP-22918-2024

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order of transfer dated 30.08.2024 and order of relieving dated 30.08.2024 (Annexures P-1 & P-2) vide which the petitioner has been

transferred from Homi Bhabha Cancer Hospital and Research Centre (HBCH&RC), Mullunpur, Punjab to Muzaffarpur, Bihar.

2. The petitioner, working under Respondent No. 2 and presently posted with Respondents No. 3 and 4 as Officer-In-Charge (Dispensary) at Homi Bhabha Cancer Hospital & Research Centre, Mullanpur, Punjab, has approached this Court being aggrieved by the Order of Transfer dated 30.08.2024 and the Order of Relieving dated 30.08.2024, whereby he has been transferred to Muzaffarpur, Bihar, approximately 1200 km from his present place of posting. The said orders were intimated to the petitioner through official email on 30.08.2024 and were served in original on 05.09.2024. Aggrieved by the same, the petitioner submitted a representation via email dated 06.09.2024 requesting reconsideration of the impugned orders.

3. It is the case of the petitioner that the impugned transfer and relieving orders are arbitrary, illegal and contrary to the applicable service rules, and have been issued without any administrative exigency or public interest and allegedly with *mala fide* intent.

4. Today, learned counsel for the respondents No.1 to 4 has submitted that the petitioner has been charge-sheeted on account of un-authorized absent as she has failed to join the new place of posting.

5. Before advertng to the merits of the case at hand, certain basic precepts of service jurisprudence must be borne in mind being:

1.transfer is an incidence of service and lies within the exclusive domain of the employer,

2.executive instructions and administrative directions concerning transfers and postings do not confer an indefeasible right to claim a

transfer or posting, 3.individual convenience of persons who are employed in the service is subject to the overarching needs of the administration, and

4.the policies which stipulate that the posting of spouses is subject to the requirement of the administration.

6. 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 judgment, 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.”

7. However, during the course of hearing, learned counsel appearing for Respondents No.1 to 4 submitted that the petitioner, despite having been relieved from the earlier place of posting, has failed to join duties at the transferred place and has remained continuously absent without authorization. It has further been

submitted that on account of such unauthorized absence and failure to comply with the transfer order, the petitioner has already been charge-sheeted by the competent authority.

8. This Court is of the considered view that once an employee is relieved from the previous place of posting, the normal course available is to comply with the transfer order and join at the transferred station, while pursuing the remedy available in accordance with law. The conduct of the petitioner in not joining the transferred place and remaining absent instead of complying with the administrative order does not warrant interference by this Court in exercise of its writ jurisdiction.

9. Reliance may be drawn from the Apex Court judgment passed in *S.C. Saxena v. Union of India & Ors., (2006) 9 SCC 583* wherein it was held as under:

“We find that no case for our interference whatsoever has been made out. In the first place, a Government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances. It is his duty to first report for work where he is transferred and make a representation as to what may be his personal problems.

7. This tendency of not reporting at the place of posting and indulging in litigation needs to be curbed. Apart therefrom, if the appellant really had some genuine difficulty in reporting for work at Tezpur, he could have reported for duty at Amritsar where he was so posted. We too decline to believe the story of his remaining sick. Assuming there was some sickness, we are not satisfied that it prevented him from joining duty either at Tezpur or at Amritsar. The medical certificate issued by Dr. Ram Manohar Lohia Hospital proves this point. In the circumstances, we too are of the opinion that the appellant was guilty of the misconduct of unauthorisedly remaining absent from duty.”

10. In the given circumstances, adjudication of the impugned relieving order dated 30.08.2024 (Annexures P-1 & P-2) at this stage would neither be necessary nor appropriate, particularly when the petitioner herself has chosen not to comply with the order of transfer and has already been subjected to disciplinary proceedings.

11. Accordingly, the present petition has rendered itself redundant and deserves to be dismissed. The petition is, therefore, dismissed.

07.03.2026
Meenu

(SANDEEP MOUDGIL)
JUDGE

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