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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-26844-2025  
DECIDED ON:31.01.2026**

**GURJIT SINGH**

**.....PETITIONER(S)**

**VERSUS**

**UNION OF INDIA AND OTHERS**

**.....RESPONDENT(S)**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Mahi Pal Singh Yadav, Advocate  
for the petitioner

Mr. SK Sharma, Sr. Panel Counsel  
for respondent-UOI

**SANDEEP MOUDGIL, J (ORAL)****Prayer**

1. The jurisdiction of this court has been invoked under Article 226 of Constitution of India seeking quashing of impugned order dated 14.08.2025 (Annexure P-14) whereby the representation of the petitioner regarding transfer from Chandigarh to Hisar which was claimed to be against the rules/instructions/policies has been rejected by passing a non speaking order.

**The Conspectus of Facts**

2. The petitioner is a Constable (GD) in the Central Industrial Security Force (CISF), having joined service on 05.07.2009 as a Trainee at RCC Bhilai, Chhattisgarh. During the course of his service, he has been posted at various units across the country in accordance with applicable policy and was posted at CISF

Unit, Punjab & Haryana Civil Secretariat (P&HCS), Chandigarh w.e.f. 24.06.2021.

3. The petitioner was married on 31.01.2021 and his wife, Smt. Mandeep Kaur, is employed as a Clerk in the office of the Director, Colonization Department, Government of Punjab, at Punjab Mandi Bhawan, Sector 65-A, S.A.S. Nagar (Mohali). The petitioner claims his case to be covered under the Government of India and CISF instructions relating to “couple cases”.

4. Vide order dated 21.10.2024 (Annexure P-4), issued by CISF North Zone-II Headquarters, Jammu, the petitioner was transferred from CISF Unit P&HCS, Chandigarh to CISF Unit, Rajiv Gandhi Thermal Power Project (RGTPP), Khedar, District Hisar (Haryana), with effect from 08.11.2024. The transfer was issued consequent to reduction of CISF strength at P&HCS, Chandigarh, pursuant to MHA letter dated 04.10.2024 (Annexure R-2), conveyed by CISF Headquarters vide letter dated 11.10.2024(Annexure R-3).

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.

6. The petitioner was informed vide letter dated 11.12.2024 (Annexure P-7) that his representation had been forwarded to the higher competent authority with a remark that his case would be considered in Inter-Unit Transfer (IUT)-2025 on merit for Chandigarh-based units. However, no posting order was issued in his favour during IUT-2025.

10. The petitioner again submitted representations dated 18.04.2025 and 18.05.2025(Annexure P-8 and P-10 respectively), reiterating his request for posting at Chandigarh or nearby stations. The said representations were forwarded by the unit authorities with recommendations. However, the grievance was marked as “*regretted being devoid of merit*” on 16.05.2025 (Annexure R-6) by the Inspector General, North Sector.

11. During inspection and subsequent consideration by the higher authorities, the petitioner was granted personal hearing, and vide letter dated 02.07.2025 (Annexure R-7), he was informed that his request had been regretted on the ground that he had not completed the present tenure of posting.

12. Thereafter, pursuant to letters dated 14.07.2025 (Annexure P-12) and 16.07.2025 (Annexure P-13) issued by CISF Headquarters calling personnel for personal appearance, the petitioner appeared before the competent authority on 30.07.2025. Subsequently, the Director General, CISF, passed order No. E-38018/1/2025/Estt-II/2478 dated 14.08.2025 (Annexure P-14), conveying the decision “*Not acceded to*” in respect of the petitioner’s request.

13. Aggrieved by the rejection of his representations, particularly the order dated 14.08.2025(Annexure P-8), the petitioner has approached this Court by way of the present writ petition.

### **Contentions**

#### **On behalf of the petitioners**

14. Learned counsel for the petitioner contended that the impugned order dated 14.08.2025 passed by Respondent No.2 rejecting the petitioner’s representation is arbitrary, illegal and unsustainable in law, as the same is a non-speaking order, merely stating the words “*Not acceded to*” without recording any

reasons, despite the petitioner having raised detailed grounds in multiple representations.

15. It was argued that the petitioner's case squarely falls under the "couple case" policy as envisaged under the Government of India instructions dated 30.09.2009(Annexure P-2) and CISF instructions dated 04.12.2024 (Annexure P-3), which mandate that, as far as practicable, spouses who are both in Government service should be posted at the same station or at nearby stations.

16. Learned counsel submitted that the petitioner was posted at Chandigarh since 24.06.2021 and his wife is permanently posted at Mohali, which is in close proximity to Chandigarh. The transfer of the petitioner to RGTPP Khedar, Hisar, has resulted in undue hardship and separation of the family, contrary to the object of the couple case policy.

17. Learned counsel emphasized that although the petitioner was granted personal hearing at various stages, including before the Director General, CISF, the final decision does not reflect any application of mind to the grounds raised, thereby violating the principles of natural justice and fair administrative decision-making.

**On behalf of respondents**

18. Per contra, learned counsel appearing for the Union of India submitted that the present writ petition is devoid of merit and the transfer of the petitioner has been effected strictly in accordance with law, policy, and administrative exigencies of the CISF.

19. It was contended that CISF is a Central Armed Police Force with an all-India character, and in terms of Section 15 of the CISF Act, 1968, every member of the Force is liable to be transferred and deployed at any place within or

outside India at any time in public interest. The counsel urged that transfer is an incidence of service and does not confer any vested right to remain posted at a particular station.

20. Learned counsel submitted that the petitioner had completed the prescribed tenure of three years at CISF Unit P&HCS, Chandigarh, and his transfer was ordered vide order dated 21.10.2024 due to reduction of manpower at the said unit, pursuant to the directions of the Ministry of Home Affairs. He further submitted that the petitioner has not completed the minimum tenure at his present place of posting at RGTPP Khedar, Hisar, and premature transfer back to Chandigarh would be contrary to the existing posting and transfer policy of CISF

21. It was argued that the petitioner's representations were duly considered at multiple levels and the petitioner was also granted personal hearing. Therefore, it cannot be said that there was non-consideration of his grievance by the competent authorities.

22. Learned counsel further submitted that the couple case policy is not absolute and is subject to administrative feasibility, availability of vacancies, tenure norms, and operational requirements of the Force. The petitioner's case, according to the respondents, could not be acceded to at the relevant time due to these constraints.

23. Lastly, it has been counsel asserted that the impugned order dated 14.08.2025 (Annexure P-14) reflects the decision of the competent authority taken after due consideration of all relevant aspects, and merely because the petitioner is dissatisfied with the outcome, the same does not warrant interference by this Court.

*Analysis*

24. This Court has given its thoughtful consideration to the pleadings on record, the rival submissions advanced by learned counsel for the parties, and the documents relied upon. The challenge in the present writ petition is essentially directed against the transfer of the petitioner, working in the Central Industrial Security Force, and the rejection of his representations seeking posting at or near Chandigarh on the ground of being a “couple case”.

25. 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.

26. Therefore, it is necessary to reiterate the settled position of law that transfer is an incidence of service, particularly so in the case of uniformed forces and armed forces of the Union, where operational requirements, administrative exigencies and national security considerations outweigh individual convenience.

27. The CISF is a Central Armed Police Force with an all-India character, entrusted with security of vital and sensitive installations across the country, many of which are located in remote, insurgency-prone and difficult areas. The section 15 of the Central Industrial Security Force Act, 1968 (hereinafter referred to as “CISF Act, 1968”), which has been reproduced as under:

*Section 15. Officers and members of the Force to be considered always on duty and liable to be employed anywhere in India.—*

*(1) Every 6\*\*\* member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed at any place within[or outside] India.*

*(2) Save as provided in section 14, no 8\*\*\* member of the force shall engage himself in any employment or office other than his duties under this Act.*

This provision statutorily mandates that every member of the Force shall be deemed to be always on duty and shall be liable to be deployed or transferred at any place within or outside India. Persons who voluntarily enter such disciplined forces do so with full knowledge of these service conditions. Posting at a particular station cannot, therefore, be claimed as a matter of right, nor can the Court sit as an appellate authority over transfer decisions taken by the competent authority.

28. In the case at hand, the petitioner remained posted at CISF Unit, P&H Civil Secretariat, Chandigarh from 24.06.2021 to 07.11.2024, thereby completing the prescribed tenure of three years as per the CISF posting policy. As stated in paragraph 3 of the written statement, his transfer vide order dated 21.10.2024(Annexure R-1) was not punitive or arbitrary, but was occasioned due to reduction of sanctioned CISF strength at the Chandigarh unit, pursuant to directions issued by the Ministry of Home Affairs vide letter dated 04.10.2024 (Annexure R-2). The administrative rationale for the transfer thus stands clearly established.

29. The petitioner has heavily relied upon the “couple case” guidelines to assail the transfer. However, it is trite law that transfer guidelines or executive instructions do not have statutory force and are directory in nature, meant to guide administrative discretion. They do not create an enforceable legal right in favour of an employee. The Supreme Court in “*Union of India v. S.L. Abbas, (1993) 4*

*SCC 357*”, authoritatively held that while spouse-posting guidelines may be considered by the administration, the ultimate decision must rest on administrative exigencies, and courts should not interfere merely because such guidelines were not acceded to. Relevant extract of the same is 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.”*

30. The ratio in *S.L. Abbas (supra)* has been consistently followed in *“State of U.P. v. Gobardhan Lal, (2004) 11 SCC 402”*, wherein it was observed that,

*“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.”*

31. Also in *“Major General J.K. Bansal v. Union of India, (2005) 7 SCC 227”*, the apex court observed that,

*12. It will be noticed that these decisions have been rendered in the case of civilian employees or those who are working in Public Sector Undertakings. The scope of interference by courts in regard to members of armed forces is far more limited and narrow. It is for the higher authorities to decide when and where a member of the armed forces should be posted. The Courts should be extremely slow in interfering with an order of transfer of such category of persons and*



*unless an exceptionally strong case is made out, no interference should be made.*

32. Therefore, this court is of the considered opinion that interference with transfer orders is warranted only when the same are vitiated by mala fides, statutory violation, or patent arbitrariness, none of which has been pleaded or established in the present case.

33. As regards the grievance that the impugned order dated 14.08.2025 (Annexure P-14) is a non-speaking order, this Court finds no merit in the contention. The record demonstrates that the petitioner's representations were considered at multiple hierarchical levels, including by the Inspector General, North Sector, and finally by the Director General, CISF, and that the petitioner was also granted personal hearing. Once the competent authority has applied its mind and taken a decision within its domain, mere brevity of expression does not render the decision illegal.

### **Conclusion**

34. In view of the above discussion, and guided by the settled principles of service law and transfer jurisprudence, this Court is of the view that the petitioner has failed to make out any case for interference under the writ jurisdiction. Therefore, the impugned order dated 14.08.2025 (Annexure P-14) is hereby upheld.

35. Accordingly, the present writ petition is dismissed being devoid of merit.

**31.01.2026**

*Meenu*

**(SANDEEP MOUDGIL)  
JUDGE**

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