
(2013) 07 P&H CK 0019
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 14812 of 2013 (O and M)

Akshay Kumar and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 15-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0019

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Avinash Mandla, for the Appellant;

Final Decision : Allowed

Judgement

Tejinder Singh Dhindsa, J.—All the petitioners are serving as Beldars under the Punjab State Irrigation Department. Their initial appointments were made between the years 1996-1998 having been granted the benefit under Rehabilitation and Resettlement Policy being dam oustees. In the year 2006, the petitioners were transferred by the respondent-department to different places across the State. However, on 07.12.2011, all the petitioners were transferred to the Ranjit Sagar Dam, Shahpurkandi. The present writ petition has been filed impugning the orders at Annexures P-2 to P-6, whereby the petitioners have been transferred to Water Drainage Circles, Patiala/Ferozepur/Jalandhar.

2. Learned counsel appearing for the petitioners would contend with all vehemence that the impugned order of transfer is in clear violation of the transfer policy/guidelines dated 19.04.2012 (Annexure P-7), whereby it is envisaged that a normal tenure of posting of an employee at one place would be three years. That apart, heavy reliance has been placed on Clause 2(h), whereby it is stipulated that employees posted in border areas/Bet areas and Kandi areas should serve at a place of posting for a period of two years. Accordingly, it has been argued that the petitioners, who belongs to the lower strata are sought to be displaced after a period of only 1 ? years, which is contrary to the transfer

policy/guidelines.

3. Counsel for the petitioner has been heard at length.

4. It is by now well settled that transfer is an incidence of service. Transfer policy/guidelines do not vest in an employee an enforceable right. A reference in this regard may be made to the decision of the Hon"ble Supreme Court in Union of India Vs. S.L. Abbas 1995 (4) SCT 455. Be that as it may, the respondent-authorities are certainly obligated to keep in mind the transfer policy/guidelines formulated by the State while issuing orders of transfer.

5. Accordingly, while declining to interfere in the impugned order of transfer, liberty is granted to the petitioners to approach the appropriate/respondent-authorities as regards their grievance against the impugned transfer orders at Annexures P-2 to P-6. In the eventuality of any such representation being preferred, the respondent/competent authority shall be obligated to take a final view in the matter by passing a speaking order within a period of two weeks from the date of its submission.

6. Suffice it to observe that while taking any final decision, the authority concern shall keep in mind the transfer policy/guidelines formulated by the State. Disposed of.