
(2011) 12 P&H CK 0132
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 23616 of 2011

Anju Mehta and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 19-12-2011

Acts Referred:

Citation : (2011) 12 P&H CK 0132

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Judgement

Rajan Gupta, J.—The petitioners have sought a writ in the nature of certiorari for quashing order dated 24.10.2011 (Annexure P-12) passed by respondent No.2 transferring them to various places in Tarn Taran and Kapurthala.

2. Learned counsel for the petitioners contends that order was passed in an arbitrary manner as persons appointed on contract basis are sought to be appointed against the posts which were occupied by petitioners. According to him, petitioners who are regular employees, were entitled to continue on the posts they were holding in district Amritsar in view of long service rendered by them.

3. I have heard learned counsel for the petitioners.

4. The argument raised is not convincing. A regular employee is liable to be transferred in accordance with rules. This apart it appears that petitioners have been transferred to places very near to their previous place of posting vide order dated 24.10.2011. In all likelihood petitioners must have joined at their new place of posting. Transfer is not only an exigency but an incidence of service. In this regard, observations of this court in the judgment reported as Jit Singh Mallah vs. Punjab State Electricity Board and Others The Punjab Law Reporter (2007-1) 579, are relevant which are reproduced below:-

3. We are unable to accept any of the submissions made by the learned counsel. Firstly, the petitioner being a Government servant has no inherent right to choose

the place of his posting. Secondly, the instructions relied upon by the petitioner are mere guidelines. The said guidelines cannot be said to be mandatory and do not, therefore, create any legal right in favour of the petitioner. This question has been specifically considered by the B. Varadha Rao Vs. State of Karnataka and Others, wherein it has been clearly held that the guidelines such as Annexure P-11 do not confer any legal right on an employee. The transfer of an employee is not only an incident of service but a condition of service as well. It is the prerogative of the authorities concerned and this Court is not to normally interfere except when it is shown to be vitiated by mala fides or is in violation of a statutory provision or has been passed by an incompetent authority. None of the said factors has been shown or even pleaded in the present case. We are also of the opinion that the order passed by the respondents is purely administrative in nature and, therefore, cannot be termed as either arbitrary or whimsical.

5. In view of the facts and circumstances of the case and the judgment in Jit Singh's case (supra), I am of the considered view that no interference is called for in writ jurisdiction of this court.

Dismissed.