
(2019) 01 P&H CK 0070

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 970 Of 2019 (O&M)

Bhupinder Singh

APPELLANT

Vs

State Of Punjab & Another

RESPONDENT

Date of Decision : 16-01-2019

Acts Referred:

Citation : (2019) 01 P&H CK 0070

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Dhiraj Chawla

Final Decision : Dismissed

Judgement

Tejinder Singh Dhindsa, J

Petitioner who is serving on the post of Corporation Engineer has filed the instant petition assailing his transfer from Amritsar to Mohali vide order dated 09.01.2019 (Annexure P-5).

The entire thrust of challenge to the impugned transfer made by Mr. Dhiraj Chawla, learned counsel is that the same is in utter violation of the Transfer Policy dated 23.04.2018 (Annexure P-3). It is submitted that such Policy has been framed by the Punjab Government, Personnel Department and for the transfers and postings of employees working under the government departments including the Corporations under the State of Punjab as well.

The impugned transfer is stated to be in violation of the Transfer Policy on the following counts:

(i) It is submitted that wife of the petitioner is an employee under the Punjab State Power Corporation Limited and is currently posted at Amritsar and as such, the petitioner ought not to have been transferred out of Amritsar by treating the same as a couple case.

(ii) Counsel urges that the petitioner had joined Municipal Corporation on 27.09.2017 upon being promoted as a Corporation Engineer and it is only after a period of 17 months approximately that the petitioner is sought to be displaced.

(iii) Counsel submits that the petitioner is to superannuate on 31.01.2021 and such aspect also has been overlooked while passing the impugned order of transfer.

(iv) The last submission raised by counsel is that under the Transfer Policy, the normal tenure of posting at a particular place/station is envisaged as 5 years and whereas the petitioner had not even completed 2 years on the post of Corporation Engineer at Amritsar.

Having heard counsel for the petitioner at length, this Court is of the considered view that no basis for interference in the matter is made out.

It is by now well settled that transfer is an incidence of service. Terms/conditions/stipulations contained in a Transfer Policy do not vest in an employee any enforceable right. A reference in this regard may be made to a judgment of the Apex Court in Union of India & others Vs. S.L. Abbas, 1995 (4) SCT 455.

It is not the case of the petitioner that the impugned order of transfer has been passed by an authority not vested with the power to direct such transfer. There are no allegations of malafide exercise of power at the hands of the respondent/authorities while directing the transfer in question.

For the reasons recorded above, no intervention in the impugned transfer order relating to the petitioner is made out.

Petition is dismissed.