
(2010) 12 P&H CK 0301

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 21780 of 2010

Buta Singh

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 07-12-2010

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2010) 12 P&H CK 0301

Hon'ble Judges : Ajai Lamba, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ajai Lamba, J.—Challenge in this civil writ petition filed under Article 226/227 of the Constitution of India, is to Order dated 12.11.2010 (Annexure P-3) whereby the Petitioner has been ordered to be transferred to Abohar Centre, District Ferozepur as Assistant Food & Supplies Officer.

2. Learned Counsel contends that the Petitioner is scheduled to retire on 31.8.2012 and therefore, the order of transfer is against the policy/ instructions issued by the Respondents in context of transfers.

3. I have considered the contention of the learned Counsel.

4. Perusal of Order Annexure P-3 indicates that the Petitioner has been transferred against a vacant post in public interest.

5. The Hon'ble Supreme Court of India in State of U.P. and Others Vs. Gobardhan Lal, , has held in the following terms:

It is too late in the day for any Government servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra in the

law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power of violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course of routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision.

6. Since reason has been given in impugned order saying that the Petitioner is transferred on a vacant post in public interest, I find that the order has been passed in administrative exigency.

7. It is not the case of the Petitioner that official status of the Petitioner has been adversely effected or there has been any infraction of any career prospect of the Petitioner on account of transfer of thePetitioner.

8. The Hon"ble Supreme Court in the above noted case has held that the order of transfer made even in transgression of administrative guidelines cannot be interfered with as they do not confer any legally enforceable right unless it is shown that the order of transfer is vitiated by mala fide or is made in violation of any statutory provision.

9.Learned Counsel for the Petitioner has not been able to show any mala fide reason for ordering transfer of the Petitioner or violation of any statutory provision.

10. view of the above, no ground for interference in extraordinary writ jurisdiction is made out.

11. petition is dismissed.