

(2002) 11 J&K CK 0003

In the Jammu And Kashmir High Court

Case No : Service Writ Petition (SWP) No. 1426 Of 2002

Gh.Nabi Lone

APPELLANT

Vs

State and others

RESPONDENT

Date of Decision : 22-11-2002

Acts Referred:

Citation : (2003) SriLJ 140 : (2003) 1 SriLJ 140

Hon'ble Judges : B.L.Bhat, J

Bench : Single Bench

Advocate : M.A.Wani, Advocates appearing for the Parties

Judgement

1. Petitioner Ghulam Nabi Lone while posted as Draftsman Civil Hydraulic Wing, Irrigation Division Handwara, came to be transferred to the PHE

Kargil, by virtue of Govt. order No. 265Worksof2001 dated: 14062001, consequent whereof he came to be relieved by Handwara Irrigation

Division on 13112002 with a direction to report to Superintending Engineer. PWD Circle, Kargil. The petitioner has called in question the said

transfer order in this writ petition, after a period of more than one year, solely on the ground that his wife is not keeping well and she needs to be

operated for rectovaginal fistula.

2. The impugned order of transfer which is annexureA to the petition reveals that this order has been issued in the interest of administration,

whereunder as many as 34 officials including the petitioner have been transferred. The grievance of the petitioner is not that he has been

discriminated or that the order is malafide or arbitrary in nature.

3. The transfer of the services of a civil servant is always required to be made by the employerGovernment in exigency, which may either be

administrative or in the interest of public or both. The Government in its governance is always expected to be fair to its employees at all levels. The

Government being an employer is within its jurisdiction to post its employees wherever such employee is required in the public interest or in the

interests of administration. The grievances of the public servant that he has been posted against his choice cannot be entertained by the law courts

unless same is malafide and smacks of arbitrariness. Any convenience caused to an employee by issuance of a transfer order or of its posting is a

matter for the Government to consider.

4. As indicated, this is not a case of the petitioner that the impugned order is either malafide or arbitrary in nature. Viewing thus, the petition in hand

is dismissed in limine.