

(2013) 07 P&H CK 0006
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 14601 of 2013 (O and M)

Inderjit Kaur

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 11-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0006

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Avinash Mandla, for the Appellant;

Final Decision : Dismissed

Judgement

Tejinder Singh Dhindsa, J.—The petitioner has filed the present writ petition impugning the order dated 14.6.2013 issued by the Chief Engineer, Canals, Irrigation Department, State of Punjab, whereby she has been transferred from Ranjeet Sagar Dam Project, Shahpur Kandi to Drainage Circle, Ludhiana. The solitary contention raised by learned counsel for the petitioner is that the transfer is in violation of the policy/guidelines regulating transfers issued by the State Govt. on 19.4.2012 (Annexure P-3). In this regard counsel would refer to Clause 2(c), wherein it is stated that in such cases where husband and wife are both in govt. service, they should be retained at one station for five years as far as possible and after five years they may be transferred. Counsel contends that the husband of the petitioner is also a govt. employee and as such being a couple case the petitioner could not have been transferred from Shahpur Kandi to Ludhiana.

2. Having heard learned counsel for the petitioner and having perused the pleadings on record, I find that the present writ petition is wholly misconceived and misdirected.

3. It is the pleaded case of the petitioner herself that she was appointed as a Beldar at the Ranjeet Sagar Dam Project, Shahpur Kandi having been given

benefit under a Rehabilitation and Re-settlement Scheme being a dam oustee. Ever since her appointment in the year 1996, the petitioner has continued to serve at Shahpur Kandi. Even under the Transfer Policy/Guidelines in a couple case, it was open for the respondent/competent authorities to have transferred the petitioner after a period of five years. To such extent the impugned transfer does not even violate the Transfer Policy/Guidelines. That apart, Transfer Policy/Guidelines do not vest an enforceable right in favour of the petitioner. In this regard a reference may be made to the decision of the Hon"ble Supreme Court in case of Union of India and Others Vs. S.L. Abbas, .

4. The petitioner in the light of the impugned transfer order is sought to be re-located after a period of almost 17 years. Transfer is an incidence of service. In the present writ petition there is no assertion as regards the transfer being vitiated by malafides. No ground for interference is made out. Petition, accordingly, is dismissed.