

(2007) 04 DEL CK 0007

In the Delhi High Court

Case No : Writ Petition (C) 13110 of 2006

Jagdish Rai

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 20-04-2007

Acts Referred:

Citation : (2007) 04 DEL CK 0007

Hon'ble Judges : T.S. Thakur, J;S.N. Aggarwal, J

Bench : Division Bench

Advocate : R.K. Saini, for the Appellant; Ashwani Bhardwaj, for the Respondent

Final Decision : Dismissed

Judgement

T.S. Thakur, J.—Transfer of a public servant is an incident of service. Transfers made in exigencies of service and in the interest of administration are not interfered with by the Courts unless they are shown to be incompetent in the sense that the authority issuing the order lacks the jurisdiction to do so or the order is vitiated by malafides or extraneous considerations. The very fact that there is a policy formulated by the Government or any other organisation regulating the posting and transfer of their employees, also does not create any enforceable right in the employee. This is particularly so in the case of armed forces like the Army, BSF, CRPF and ITBP whose personnel are duty bound to serve wherever they are posted. The petitioner's grievance that his transfer by cancellation of an earlier order posting him to Delhi violates the policy, is wholly misconceived. So long as the transfer order does not suffer from the infirmity of lack of competence on the part of the officer who is issuing the order or the same is not vitiated by any extraneous consideration or malafides, there is no room for interference by a writ Court. In the present case, none of those two grounds are available to the petitioner. It is not his case that the officer directing his transfer was not competent to do so or that the transfer was vitiated by malafide or extraneous considerations. Just because the order of transfer is not to the liking of the petitioner or an earlier order shifting him to Delhi has been

cancelled to shift him to Shiv Puri in Madhya Pradesh does not Therefore provide any cause for the petitioner to complain.

2. There is no merit in this writ petition which fails and is hereby dismissed but in the circumstances without any order as to costs.