

(2011) 12 P&H CK 0040
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 24574 of 2011

Jasbir Singh

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 27-12-2011

Acts Referred:

Citation : (2011) 12 P&H CK 0040

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Judgement

K. Kannan, J.—At the asking of the Court, Shri K.S. Sivia, DAG, Punjab, takes notice for respondent Nos. 1 to 4.

2. The petitioner's grievance is that he is being transferred only because the 6th respondent had been transferred to Giddarbaha from Patiala as he

has prevailed upon official respondents to recall the order and instead, the petitioner has been transferred.

3. Learned counsel points out that there are instructions which protect a person against being transferred within three years from the date of his

posting and in case of couple, they shall not be transferred within five years. Learned counsel for the petitioner would contend that his wife is

stationed in the same place and she is also a government servant and petitioner is at liberty to stay at the same station.

4. The transfer is a necessary incident of service and when there are guidelines the only aspect the government servant can expect is that the

guidelines are properly followed. There could exist no legally enforceable right to the petitioner.

5. The petitioner is at liberty to make representation pointing out the contentions

raised in this writ petition to the authority-1st respondent who will take a decision in the light of the guidelines of the transfer policy within three weeks from today. Till the decision of the authority on the representation of the petitioner, the petitioner's transfer order shall remain suspended.