
(2012) 08 P&H CK 0206

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 15943 of 2012

Kamaljit Singh Patwari

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 21-08-2012

Acts Referred:

Citation : (2012) 08 P&H CK 0206

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : R.S. Chauhan, for the Appellant;

Judgement

Tejinder Singh Dhindsa, J.—The petitioner, who is working on the post of Patwari in the Revenue Department, State of Punjab, has filed the present writ petition impugning the order dated 13.08.2012 (Annexure P-6) whereby he has been transferred from Patwar Circle, Patara to Patwar Circle, Salarpur. Learned counsel appearing for the petitioner contends that the impugned order has not been passed on any administrative grounds and rather it has been issued to accommodate Makhan Singh-respondent No. 5. Still further counsel would submit that the petitioner has suffered frequent transfers, in as much as he has been transferred on five occasions in the last one and a half years. Towards such assertion learned counsel would refer to the various orders of transfers at Annexures P-1, P-3, P-4 and P-5. Counsel would submit that the impugned order of transfer is in violation of transfer policy dated 12.6.2012 (Annexure P-2) wherein normal tenure of two years of service at a particular place of posting is necessary.

2. The order of transfer is otherwise an incidence of service. An employee is not vested with an enforceable right on account of the violation of a stipulation contained in transfer policy/guidelines.

3. Accordingly I am not inclined to interfere with the impugned order of transfer dated 13.8.2012 (Annexure P-6). Be that as it may the Hon'ble Apex Court in

the case of Union of India and others v. S.L. Abbas reported as 1995(4) SCT 455 has categorically observed that the competent authority while issuing orders of transfer shall keep in mind the transfer guidelines/policy framed by the State itself.

4. Accordingly, while declining to interfere in the impugned order of transfer, liberty is granted to the petitioner to file a representation against the order of transfer dated 13.8.2012 (Annexure P-6). In the eventuality of any such representation being filed, the same shall be decided strictly in accordance with law and in the light of the guidelines/instructions within a period of seven days from the date of submission of the same. It is further directed that for a period of 10 days from today status quo as regards the present place of posting of the petitioner, as it exists today, shall be maintained. Petition disposed of.