

(2003) 01 MP CK 0052
In the Madhya Pradesh High Court
Case No : Writ Petition No. 23 of 2003

Ramesh Chandra Dhawai

APPELLANT

Vs

M.P.S.R.T. Corporation and Others

RESPONDENT

Date of Decision : 10-01-2003

Acts Referred:

Citation : (2003) 97 FLR 664 : (2003) 2 MPHT 218

Hon'ble Judges : A.M. Sapre, J

Bench : Single Bench

Advocate : L.P. Shrivastav, for the Appellant;

Final Decision : Dismissed

Judgement

A.M. Sapre, J.—Having heard the learned Counsel for the petitioner and having perused the record of the case, I find absolutely no case to interfere hence, petition merits dismissal in limine.

2. What is challenged in this writ is a transfer order, dated 30-12-2002 (Annexure P-10). Petitioner - an employee of M.P.S.R.T.C. is transferred from Dhar to Ujjain. The impugned order is passed purely on administrative ground. Petitioner does not want to join at Ujjain. The challenge is not on the ground of malafide, nor the challenge is based upon any violation of transfer policy.

3. A transfer of an employee from one place to another, is an integral part of the service and is always recorded as an incidence of a service. It is in fact attached as one of the condition of a service contract. An employee can not possibly say that he should not be transferred from one place to another unless he is able to show that due to some specific clause or policy or a term in the service contract or due to some specific reason, he can not be transferred. It is only in such eventualities, the petitioner can possibly contend before the Courts that such transfer order is bad in law being in contravention of a policy or any circular or any clause in the service contract. A transfer order can also be questioned, if it shows some malafide intention. But, in such case, an employee has to make out

a very case of malafide against a person responsible for transferring him. These are generally the yardsticks within which sphere the Court examines the issue whether transfer order is based in conformity with these requirements or contrary to the requirements.

4. No such case has been made out, nor even pleaded. I, thus, find no case for interference in impugned transfer order. Petition, thus, fails and is accordingly dismissed in limine.