

**(2001) 02 PAT CK 0084**  
**In the Patna High Court**  
**Case No : Civil Appeal No. 332 of 2001**

Samay Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

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**Date of Decision :** 15-02-2001

**Acts Referred:**

**Citation :** (2001) 02 PAT CK 0084

**Hon'ble Judges :** G.B. Pattanaik, J;D.P. Mohapatra, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## Judgement

1. The Appellant who was a Reader in the office of D.R.O. Kurukshetra, was transferred on administrative ground in purported exercise of power under Rule 3.17 of the C.S.R. Vol-I, Part I, by the Financial Commissioner and Secretary to the Government of Haryana, Revenue Department, by order dated 8.6.2000. Assailing the said order, the Appellant filed a writ petition inter alia on the ground that he being a handicapped man was entitled to be retained within the District and further on the ground that he could not have been transferred beyond the cadre. It was also vaguely alleged that the order of transfer is actuated by malice. The High Court on examining the contentions raised, dismissed the writ petition on a finding that the transfer in exercise of power under the relevant rule, namely, Rule 3.17 is in the public interest and there is no materials on the basis of which the Court can come to a conclusion that the order was either actuated with malice or has been passed with bias. It is this order of the High Court which is the subject matter of challenge in this appeal.

2. It is contended by the learned Counsel for the Appellant that the fact that the Appellant in spite of being a handicapped man has been transferred to a far-off place, would indicate that the Appropriate Authority had transferred him for some other extraneous reasons and not in public interest. We are unable to accept this contention of the learned Counsel inasmuch as the transfer being an incidence of service could be exercised by the employer and under the relevant

rule there is no bar for transferring a person from one post to the other in public interest. We see no infirmity with the impugned order of transfer dated 8.6.2000 so as to be interfered with by this Court. The appeal accordingly fails and is dismissed.

3. We, however, observe that taking into consideration the physical condition of the Appellant, it would be open for the Competent Authority to reconsider his prayer of being transferred to some other nearby place. This observation of ours may not be construed as a direction from this Court. Appeal dismissed.