



**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**LPA No.803 of 2025 (O&M)  
Date of Decision: 18.03.2025**

Bhupesh Kumar

.....Appellant.

Versus

State of Haryana and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

\*\*\*\*\*

Present:- Mr. Sunil Kumar Nehra (Sirsa), Advocate  
for the appellant.

**SANJEEV PRAKASH SHARMA, J.(Oral)**

The appellant in the present Letters Patent Appeal assails the judgment dated 18.02.2025 passed by the learned Single Judge in *CWP No.4505 of 2025* titled as '*Bhupesh Kumar Vs. State of Haryana and others*', whereby the writ petition preferred by him was dismissed.

2. One of the contentions raised by learned counsel for the appellant is that since the inception of the institute namely the Government Polytechnic Education Society, Lisana, Rewari, no one has ever been transferred from the Mechanical Engineering Department of the Institute. However, the appellant has been shunted out from Lisana, Rewari to the Government Polytechnic Education Society, Uttawar, Palwal. Learned counsel submits that before transferring the appellant, his consent should



have been taken.

3. We find that the learned Single Judge has examined this aspect and has also noticed the conditions of appointment of the appellant which reflects that a member of service is liable to serve at any place, whether within or outside the State, on being ordered to do so by the appointing Authority. Thus, the appellant was holding a transferable post and posting him to the Government Polytechnic Education Society, Uttawar, Palwal, cannot be said to be illegal. We also notice that the Government Polytechnic is part of the Government organization and therefore, it cannot be said to be a foreign post and no consent is required as it cannot be said to be a case of deputation.

4. Learned counsel further submits that there is a transfer policy, which has been violated.

5. In this regard, we only have to observe that the policies are not enforceable in law as transfer is an incident of service. In ***Mrs. Shilpi Bose and others Vs. State of Bihar and others, AIR 1991 SC 532***, the Hon'ble Supreme Court has held as under:-

*“In our opinion, the Courts should not interfere with a transfer Order which are made in public interest and for administrative reasons unless the transfer Orders are made in violation of any mandatory statutory Rule or on the ground of malafide. A Government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer Orders issued by the competent*



*authority do not violate any of his legal rights. Even if a transfer Order is passed in violation of executive instructions or Orders, the Courts ordinarily should not interfere with the Order instead affected party should approach the higher authorities in the Department. If the Courts continue to interfere with day-to-day transfer Orders issued by the Government and its subordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest. The High Court overlooked these aspects in interfering with the transfer Orders.”*

6. In view thereto, the only remedy available to the appellant is to move a representation for pointing out his grievances. However, no case for interference is made out. The appeal is, accordingly, dismissed.

7. Pending civil misc. applications also stand disposed of.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

**March 18, 2025**  
Yag Dutt

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*