



115 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-24655-2025

Date of Decision: 25.08.2025

Rakesh Kumar

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jasbir Singh Mohri, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 18.08.2025 (Annexure P-2) whereby he has been transferred to District Police, Amritsar (Rural) from District Batala.

2. The petitioner joined Punjab Police as Constable on 04.03.1993. He at present is holding local rank of Assistant Sub Inspector (ASI). By impugned order he has been transferred from District Batala to District Amritsar (Rural). He is going to retire in 2029. He has filed representation dated 20.08.2025 against his transfer.

3. Learned counsel representing the petitioner expressed his inability to controvert the fact that as per Punjab Police Act, 2007, members of police force may be transferred to any place in the State of Punjab. The petitioner has been transferred from District Batala to District Amritsar (Rural).

4. There is little distance between District Batala and District Amritsar (Rural). There is nothing on record disclosing that respondent has

transferred petitioner on account of some *malafide* intention.

5. A three Judge Bench of Hon'ble Supreme Court in '**Major General J.K. Bansal Vs. Union of India and others'** (2005) 7 SCC 227 has held that scope of interference by the courts in regard to transfer is very limited and narrow. The relevant extracts of the judgment read as:

"11. Similar view has been taken in National Hydroelectric Power Corporation Ltd. vs. Shri Bhagwan and another (2001) 8 SCC 574, wherein it has been held that no Government servant or employee of a public undertaking has any legal right to be posted forever at any one particular place since transfer of a particular employee appointed to the class or category of transferable posts from one place to another is not only an incident, but a condition of service, necessary too in public interest and efficiency in the public administration. Unless an order of transfer is shown to be an outcome of malafide exercise of power or stated to be in violation of statutory provisions prohibiting any such transfer, the courts or the tribunals cannot interfere with such orders, as though they were the appellate authorities substituting their own decision for that of the management."

6. Considering the facts of present case and judgment of Hon'ble Supreme Court in **Major General J.K. Bansal (supra)**, this Court does not find any reason to interfere with the order dated 18.08.2025 (Annexure P-2) passed by respondent No.3.

7. In the wake of above discussion and findings, the present petition deserves to be dismissed and accordingly dismissed.

8. The respondent is free to consider representation of the petitioner.

(JAGMOHAN BANSAL)
JUDGE

25.08.2025

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No