



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

116

CWP-23317-2025  
DECIDED ON:17.09.2025

SATYA VIR YADAV

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Satish Chaudhary, Advocate for the petitioner

Mr. Ravinder S. Budhwar, Addl. AG Haryana

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SANDEEP MOUDGIL, J

1. **Prayer**

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing of the transfer order dated 07.08.2025 (Annexure P-1) whereby the petitioner, working as Superintendent in the Health Department, has been transferred from Civil Hospital, Rewari to the Directorate of Health Services, Malaria Wing, Panchkula. The petitioner further prays for a direction to the respondents to consider his claim under the “couple case” category under the Transfer Policy Employees of State of Haryana for the year 2004-2005 (inshort as “couple case” Policy) as his wife is serving as MPHWS (F) at Rewari.

2. **Brief Facts**

The petitioner, Satya Vir Yadav, working as Superintendent in the Health Department at Civil Hospital, Rewari, assails the transfer order dated 07.08.2025 (Annexure P-1) whereby he has been shifted to the Directorate of Health Services, Malaria Wing, Panchkula. It is pleaded that the transfer has been made despite the petitioner being a chronic patient who is due to retire on

31.12.2026. Further, the petitioner claims benefit of “couple case” policy as his wife is posted as MPHWH (F) at Civil Hospital, Rewari, and further relies upon his responsibility to look after his 75% disabled bachelor brother. He contends that his prior representations were ignored. The respondents, on the other hand, justify the transfer on the basis of a complaint received from the Intelligence Department alleging corruption and irregularities, and submit that the transfer has been made in administrative exigency and public interest.

**3. Contentions**

**On behalf of Petitioner**

Learned counsel for the petitioner argued that the impugned transfer order dated 07.08.2025 (Annexure P-1) is wholly arbitrary and unsustainable. It was submitted that the petitioner is a chronic patient nearing retirement on 31.12.2026 and frequent displacement at this stage of service is unjustified. Counsel emphasized that the petitioner and his wife, both being Government employees, are entitled to the benefit of “couple case” policy, and as per settled instructions, they ought to be posted at the same or nearby station as far as possible. It was further contended that the petitioner has a bachelor brother with 75% disabled, who is dependent upon him, and uprooting the petitioner from Rewari to Panchkula, a distant place, causes grave personal hardship.

It is further submitted that the petitioner had already made a prior representation dated 19.07.2025 (Annexure P-5), but the same was not considered before issuing the transfer order. He urged that there is no complaint or adverse material against the petitioner, and even otherwise, transfer cannot be used as a disguised punishment in the absence of any disciplinary proceedings. It was thus prayed that the impugned transfer order deserves to be quashed and the petitioner retained at his present posting.

**On behalf of Respondents**

Per contra, learned counsel for the respondents contended that the petitioner has suppressed material facts and misled this Court by asserting that no complaint existed against him. It was submitted that a detailed complaint was received from the office of the Additional Director General of Police (Intelligence), Haryana, *vide* letter dated 03.04.2025, specifically alleging corruption, irregularities, and nexus with private medical stores and hospitals. On the basis of this complaint, the matter was duly examined, and in larger public interest, the competent authority decided to transfer the petitioner from Civil Hospital, Rewari, to Panchkula.

It was further argued that transfer is an incidence of service and this Court cannot interfere unless the order is vitiated by *malafide* or is in violation of statutory rules, which is not the case here.

Contradicting the contention of the petitioner regarding the plea of “couple case” and personal hardships, it was submitted, that these are only policy guidelines and do not confer any enforceable legal right, particularly when administrative exigencies require transfer.

**4. Analysis**

Having heard learned counsel for both parties and upon perusal of the material placed on record, the narrow question posed before this Court is, whether the transfer order dated 07.08.2025 (Annexure P-1) warrants interference of this court under its writ jurisdiction under Articles 226/227 of Constitution of India.

Before advertent to the merits of the case at hand, certain basic precepts of service jurisprudence must be borne in mind being:

1. transfer is an incidence of service and lies within the exclusive domain of the employer,

2. executive instructions and administrative directions concerning transfers and postings do not confer an indefeasible right to claim a transfer or posting,

3. individual convenience of persons who are employed in the service is subject to the overarching needs of the administration, and

4. the policies which stipulate that the posting of spouses is subject to the requirement of the administration.

Additionally, judicial review of transfer orders is permissible only if the transfer orders are shown to be passed with *malafide*, in violation of statutory rules, or by an incompetent authority. Guidance may be drawn from the Apex Court, wherein while dealing with the matter of transfer in the case of *State of U.P. and others v. Gobardhan Lal, (2004) 11 SCC 402*, and in paragraph No. 8 of the judgement, the Court held as follows:

*“8. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the courts or tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that courts or tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of malafides when made must be such as to inspire confidence in the court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.”*

Addressing another argument put forth by the petitioner regarding the plea of “couple category”, this court is of the opinion that the policy regarding posting of spouses or couple cases in transfer is merely directory and discretion based and do not confer any enforceable legal right. There is no doubt that ordinarily and as far as practicable the husband and wife who are both employed should be posted at the same station even if their employers be different as the desirability of such a course is obvious. However, the decision must be made in accordance with the administrative needs. The above

principle was cited with approval by the Supreme Court in the case of ***Union of India vs. S.L. Abbas (1993) 4 SCC 357*** wherein it was held that transfer is an incident of service:

*“7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right.”*

That apart, it is trite that transfer is an incidence of service and as long as the authority acts in view of the administrative exigency and taking into consideration the public interest as the paramount consideration, it has unfettered powers to effect transfer subject of course to certain disciplines. Reliance may be placed on the landmark judgement of the Supreme Court in ***E.P. Royappa vs. State of Tamil Nadu (1974) 4 SCC 3*** wherein the Court held as under:

*"It is accepted principle that in public service transfer is an incident of service. It is also an implied condition of service and appointing authority has a wide discretion in the matter. The government is the best judge to decide how to distribute and utilize the services of its employees. However, this power must be exercised honestly, bona fide and reasonably. It should be exercised in public interest. If the exercise of power is based on extraneous considerations or for achieving an alien purpose or an oblique motive it would amount to mala fide and colourable exercise of power. Frequent transfers, without sufficient reasons to justify such transfers, cannot, but be held as mala fide. A transfer is mala fide when it is made not for professed purpose, such as in normal course or in public or administrative interest or in the exigencies of service but for other purpose, that is to accommodate another person for undisclosed reasons. It is the basic principle of rule of law and good administration, that even administrative actions should be just and fair."*

Applying the above settled principles to the facts of the present case, it is evident that the petitioner has been transferred on administrative grounds. The material placed on record reflects that a complaint was received from the Additional Director General of Police (Intelligence), Haryana, *vide* letter dated 03.04.2025, specifically alleging corruption, irregularities, and nexus with private medical stores and hospitals, and though no disciplinary action has yet culminated, the transfer has been effected in lieu of larger public interest. The plea of the petitioner that he is a chronic patient, nearing retirement, or consideration under the “couple case” category submitting that his wife is posted at Rewari, cannot override the administrative exigency of the department in the present case. Further, no statutory rule has been shown to be violated, nor any *malafide* has been established.

Moreover, this court is sanguine of the settled service jurisprudence that transfer is to be viewed as a necessary incidence of service, an instrument to maintain efficiency, discipline, and transparency in public administration. The Courts must be cautious not to trench upon the executive domain, lest judicial review would itself become a tool to paralyze the administration.

## 5. Conclusion

Accordingly, this court is of the considered opinion that the present writ petition is devoid of merit and is liable to be dismissed.

17.09.2025

*sham*

*Whether speaking/reasoned*

*Whether reportable*

*:Yes/No*

*:Yes/No*

**(SANDEEP MOUDGIL)**  
**JUDGE**