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

**CWP-20779-2025 (O&M)  
Date of decision: 08.08.2025**

**Mohit Dahiya and others**

**... Petitioners**

**Vs.**

**State of Haryana and others**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. J.S. Mor, Advocate  
for the petitioners.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. Sanjeev Kaushik, Advocate,  
Mr. Divyanshu Kaushik, Advocate,  
Ms. Simran Sharma, Advocate,  
Ms. Anisha Rana, Advocate  
for respondents No.2 & 3.

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**HARPREET SINGH BRAR, J.**

**CM-11308-2025**

1. This application has been filed under Section 151 of the Civil Procedure Code, 1908 for placing on record Annexures A-5 to A-7 and for grant of exemption from filing certified and typed copies thereof.
2. In view of the averments made in the application, same is allowed



and Annexures A-5 to A-7 are taken on record.

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3. Present civil writ petition has been preferred under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to allow participation of the petitioners under 'Notional Category' in the online transfer drive as per Clauses 5(viii) & 8 of the Model Online Transfer Policy, 2025 issued by respondent No.1 and notified vide notification dated 23.05.2025 (Annexure P-11) as well as Clauses 3(xiv)(d) & 8 of UHBVNL Transfer Policy, 2025 issued by respondent No.2, notified vide notification dated 07.07.2025 (Annexure P-12).

**FACTUAL BACKGROUND**

4. Briefly, the facts, as alleged are that the petitioners were appointed as Assistant Engineers/Sub Divisional Officers with respondent No.2-Nigam and based on seniority, they were promoted to the post of Executive Engineer. Upon promotion, the petitioners joined the office at Panchkula. Further, as per policy dated 19.11.2020 (Annexure P-8), Executive Engineers cannot be transferred to their home district. However, to mitigate their hardship, the State Government formulated a policy, which was adopted by the respondent-Nigam, as discernible from circular letter dated 14.06.2021 (Annexure P-9). Subsequently, the respondent-Nigam revised the policy (Annexure P-9) to the Performance Linked Online Transfer Policy (Annexure P-10). Further, vide notification dated 23.05.2025 (Annexure P-11), the Model Online Transfer



Policy was framed by respondent No.1, which allows employees to participate in the online transfer drive in spite of not completing the required tenure. On similar lines, the respondent-Nigam framed the UHBVNL Transfer Policy, 2025 vide notification dated 07.07.2025 (Annexure P-12).

5. On 10.07.2025, respondent No.3 initiated the online transfer drive in respondent No.2-Nigam. After receiving the requisite information and thereafter, deciding the objections, respondent No.3 issued a list of 15 Executive Engineers eligible for participation in the online transfer drive, vide letter dated 20.07.2025 (Annexure P-17).

### **CONTENTIONS**

6. Learned counsel for the petitioners, *inter alia*, contends that the respondent-Nigam is one of four power utilities of respondent No.1-State. The respondent-Nigam has adopted the Model Transfer Policy (Annexure P-11) *in toto*, therefore, is bound by it. He further submits that as per minutes of the meeting of M.D., Coordination, held on 01.07.2025 (Annexure A-5), the cut off date for the purpose of implementation of the Online Transfer Drive was fixed as 31.12.2024 for the current year and 31.12.2023 for the previous year. The Model Online Transfer Policy (Annexure P-11) was framed by respondent No.1-Chief Secretary to Government of Haryana and the Human Resources Department and as per Clause 3(iii) of Model Online Transfer Policy (Annexure P-11), any clarification is ought to be issued by the competent authority i.e. Administrative Secretary of the concerned Department. However,



perusal of minutes of meeting dated 01.07.2025 (Annexure A-5) indicates that the Board of Directors of the respective utilities were given the authority to make any changes, it deem fit. As such, the respondent-Nigam has fallen into grave error by amending the policy to prescribe a qualification date since permission of the Chief Secretary to the Government of Haryana and Human Resource Department of the respondent-Nigam was not sought.

7. Learned counsel for the petitioners further contends that Clause 3.0(x) of the Haryana Vidyut Prasaran Nigam Ltd. (HVPNL), a sister concern of the respondent-Nigam and another utility under respondent No.1-State has also notified the transfer policy of its own i.e. HPVNL Transfer Policy, 2025 vide notification dated 03.07.2025 (Annexure A-6), on the same pattern as Model Online Transfer Policy, 2025 (Annexure P-11). The HPVNL Transfer Policy, 2025 (Annexure A-6) prescribes the cut off date for the purpose of calculation of merit point and, minimum and prescribed tenure as 31<sup>st</sup> December of the previous year. During recent promotions of GSOs to the post of Junior Engineers in HVPNL, an order dated 07.07.2025 (Annexure A-7) was passed, wherein a note was added stating that the officials so promoted shall fall under “Notional Category” and will be compulsorily required to participate in the upcoming transfer drive.

8. Furthermore, the petitioners received their promotion from the year 2023 onwards and the present drive, initiated on 10.07.2025, is the first drive for the Executive Engineers since the year 2021. A perusal of letter dated



20.07.2025 (Annexure P-17) would show that only three categories i.e. Voluntary, Protected and Deemed categories, have been considered for transfer drive while 'Notional Category,' has been skipped, which is in violation of Clauses 3(xiv)(d) & 8 of the UHBVNL Transfer Policy, 2025 (Annexure P-12). No reasonable cause or justification has been presented by the respondent-Nigam to exclude the Notional Category. The petitioners have submitted representations (Annexures P-18 to P-21) to the respondent-Nigam jointly and individually, regarding violation of the UHBVNL Transfer Policy, 2025 (Annexure P-12). Learned counsel further submits that out of the total cadre strength of 66 Executive Engineers, only 15 have been granted the option to participate in the transfer drive. The petitioners are eligible to apply under the Notional Category, in line with the approach adopted by HPVNL, however, due to non-availability of the said option, significant hardship has been caused to them. As such, it is prayed that they be allowed to participate in the online transfer drive under the said category.

9. *Per contra*, learned counsel for respondents No.2 & 3 has filed the written statement on behalf of respondents No.2 & 3 in the Court today, which is taken on record. He submits that the respondent-Nigam is a duly incorporated company and an autonomous body, which is competent to frame its own regulations, policies, guidelines and instructions as well as carry out changes in any adopted policy. The day to day business of the respondent-Nigam is managed by its Managing Director, who is also the competent



authority as per Clause 3.0(iii) of the UHBVNL Transfer Policy, 2025 (Annexure P-12). The UHBVNL Transfer Policy, 2025 was issued after revising and amending the previous policy, in terms of the Model Online Transfer Policy dated 23.05.2025 (Annexure P-11) issued by respondent No.1-State. One such amendment is to 'Qualifying Date', which was defined as 31<sup>st</sup> December of previous years for calculation of prescribed and minimum tenure. The new policy was notified vide notification dated 07.07.2025 (Annexure P-12), after *ex post facto* approval of the Board of Directors. Additionally, Clause 2(iv) of the Model Transfer Policy (Annexure P-11) allows the competent authority to decide prescribed and minimum tenures in terms of the said policy. In the present case, the competent authority is the Managing Director and the said tenures stand decided, as reflected in Annexure II to the UHBVNL Transfer Policy, 2025 (Annexure P-12). Further, as per minutes of meeting dated 01.07.2025 (Annexure A-5), the Boards of Directors of the respective power utilities of respondent No.1-State possess the authority to make any changes to the policy adopted by them, as may be deemed fit.

10. Further, Annexure II (A) of UHBVNL Transfer Policy, 2025 (Annexure P-12) clearly provides that in order to be eligible for participation in the online transfer process, an Executive Engineer must have a minimum tenure of 02 years while the prescribed tenure is 03 years. Since the petitioners were promoted as Executive Engineers in 2023-2024 and 2024-2025, the prescribed criteria for consideration for transfer remains unsatisfied.



Furthermore, as far as participation under 'Notional Category' is concerned, in terms of the definition provided in Clauses 3(xiv)(d) & 8 of the UHBVNL Transfer Policy, 2025 (Annexure P-12), the petitioners will only be considered under the same after completion of the transfer drive, as they were freshly posted to their units post promotion. Further still, no *mala fide* can be attributed to the respondent-Nigam, as the transfer process is being conducted strictly in accordance with the applicable rules and regulations. Learned counsel places reliance on *B. Varadha Rao Vs. State of Karnataka, (1986) 4 SCC 13, National Hydroelectric Power Coprn. Ltd. Vs. Shri Bhagwan, (2001) 8 SCC 574, Gujarat Electricity Board Vs. Atmaram Sungomal Poshani, 1989 (2) SCC 602, Kendriya Vidyalaya Sangathan Vs. Damodar Prasad Pandey, 2004 (12) SCC 299* and *Amar Pal Singh Vs. Vice Chancellor, Punjab Agricultural University, (P&H) (DB) 2007(7) SCT 1984*.

#### OBSERVATIONS AND ANALYSIS

11. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the controversy involved in the present case revolves around the issue regarding deviation of UHBVNL from the Model Online Transfer Policy (Annexure P-11). Accordingly, the following question is framed:

*“Can the respondent-Nigam deviate from the Model Online Transfer Policy of the State Government and prescribe a different criteria in UHBVNL Transfer Policy, 2025?”*



12. The transfers of employees of the respondent-Nigam is governed by the UHBVNL Transfer Policy issued vide notification dated 07.07.2025 (Annexure P-12). Clause 2(iv) of Model Transfer Policy (Annexure P-11) and relevant provisions of UHBVNL Transfer Policy, 2025 (Annexure P-12) are reproduced below:

### Model Transfer Policy

#### **“2.0 Application**

xxx

xxx

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*(iv) On notification, this policy shall be applicable to all the departments initially, within 15 days of notification, **each department shall publish the list of cadres that are covered under this policy along with the “Prescribed Tenure”, “Minimum tenure” and “Unit” for each cadre as decided by the competent authority.** Thereafter, this list alongwith aforementioned variables **may be revised by the competent authority from time to time, as per administrative requirements, after approval from Human Resource Department (HRD) only.** For each cadre, the detail as mentioned herein, as decided by competent authority, shall be read as part of this Model Online Transfer Policy for that cadre.*

### UHBVNL Transfer Policy, 2025

#### **3.0 Definitions:**

*In this policy, unless there be anything repugnant in the subject or context;*

xxx

xxx

xxx

*(viii) 'Prescribed Tenure' means the **maximum period of stay of an employee at one given unit, for a period, as decided by the competent authority.** While calculating the prescribed tenure of an employee at one unit on the qualifying date,*

xxx

xxx

xxx



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*from deputation from another Department/Organisation other authority **will be posted in the unit and/or posts of eligibility and availability. Thereafter, they will fall under "Notional category" and will have to compulsorily participate in the upcoming transfer drive for the said cadre.***

Xxx

xxx

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### **11.0 Savings & Repeal:**

i) UHBVNL's Transfer Policies issued vide Notification No. 86/UH/GA-60/Reg. dated 13.09.2012, Notification No.164/UH/GA-60/Reg./Vol-I dated 22.10.2020 & Notification No.166/UH/GA-60/Reg./Vol-I dated 12.10.2021 and **all other existing transfer policies are hereby repealed/withdrawn from the date of issuance of this policy.**

ii) Anything done or any action taken by the competent authority under this policy shall be deemed to have been validly done or taken under this policy.

iii) Any transfer drive initiated prior to the notification of this policy may be completed and concluded in terms of the earlier policy.

### **Annexure II**

#### **AJ For Operation of Transfer Drive through Online Mode**

i) The regular officers/officials of following twenty nine (29) cadre(s) irrespective of cadre strength and cadres with sanctioned strength of 15 & above would be considered for posting through Online Transfer against sanctioned/working vacant post or in any office as deemed fit by the competent authority:

<b>Sr. No.</b>	<b>Designation</b>	<b>Tenure</b>	
		<b>Prescribed</b>	<b>Minimum</b>
xxx	xxx	xxx	xxx
2.	Executive Engineer/ Electrical	3 years	2 years



13. Clause 2(iv) of the Model Transfer Policy (Annexure P-11) as well as Clause 3(vi) of the UHBVNL Transfer Policy (Annexure P-12) clearly bestow the competent authority i.e. the Managing Director of the respondent-Nigam in the present case (as per Clause 3(iii) of the UHBVNL Transfer Policy), with the power to decide the 'prescribed tenure,' 'minimum tenure' as well as 'unit' with respect to transfer of any cadres. Further, the list, so created, can be revised as per administrative requirements by the Human Resource Department on its own. Admittedly, the petitioners were promoted to the post of Executive Engineers between the years 2023 and 2025, as discernible from Annexures P-1 to P-7. The term 'prescribed tenure' has been defined under Clause 3(vii) of the said policy and has been decided to be 03 years in matters pertaining to the post of Executive Engineer, as discernible from Annexure II(A). Since the qualifying date is 31.12.2024 in terms of Clause 3.0(x) of the UHBVNL Transfer Policy, 2025 (Annexure P-12), clearly, they do not meet the pre-requisites for consideration for transfer in terms of prescribed and minimum tenure. Further still, Clause 8 of UHBVNL Transfer Policy, 2025 (Annexure P-12) clearly states that an employee can only be considered for transfer, if he has served the prescribed tenure at the unit allocated to him/her after getting promotion. Further, use of the word- '*thereafter*' in Clause 8 of UHBVNL Transfer Policy, 2025 (Annexure P-12) makes it rather unambiguous that the option to be considered under the 'Notional Category' will only be made available in the next round of transfers, as the employees are required to



serve at their allotted unit for the prescribed tenure.

14. Furthermore, the respondent-Nigam being an autonomous instrumentality of the State, is capable of framing its own rules and regulations and therefore, it is also entitled to adopt policies after making certain revisions. As such, the respondent-Nigam has committed no wrong in laying down a Qualifying date, prescribed tenure and minimum tenure. Moreover, the possibility of transfer is essentially interwoven in the service agreement, if not stated otherwise. As such, the decisions in this regard must also be taken by the relevant departments based on considerations like administrative exigencies, organizational needs as well as the cause of efficiency. Since such matters involve internal management and policy decisions particular to the employer, the scope of judicial review in this respect is fairly limited. Unless it is proved that the process was vitiated by *mala fide* or the same was conducted in violation of the applicable rules and regulations or the relevant order was passed by an incompetent authority, the Courts ought not to interfere with it. Substituting the decision of the relevant authority with its own when the former is better placed to assess the requirements of the department, would be manifestly unjust. A two-Judge Bench of the Hon'ble Supreme Court in ***Union of India Vs. S.L. Abbas, (1993) 4 SCC 357***, speaking through Justice B.P. Jeevan Reddy, made the following observations in this regard:

*“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 this 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.”*

15. This approach was reiterated by a two-Judge Bench of the Hon’ble Supreme Court in ***State of U.P. and others Vs. Gobardhan Lal, (2004)11 SCC 402***, wherein, speaking through Justice D. Raju, the following was opined:

*“7. It is too late in the day for any Government Servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. **Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made.** Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of*



*transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision.*

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 mala fides 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 surprises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.*

*(emphasis added)*

16. Reliance in this regard can also be placed on the judgments rendered by the Hon'ble Supreme Court in *Union of India Vs. N.P. Thomas, (1993) 6 Supp (1) SCC 704, N.K. Singh Vs. Union of India, (1994) 6 SCC 98* and *Pubi Lombi Vs. State of Arunachal Pradesh and others, 2024 SCC OnLine SC 279.*

### CONCLUSION

17. In view of the discussion above, the question framed above is answered in the positive. Since the respondent-Nigam is an autonomous body, it may prescribe a different criteria for implementation of the UHBVNL Transfer Policy, 2025 (Annexure P-12) than the Model Transfer Policy



(Annexure P-11). Further, the Model Online Transfer Policy (Annexure P-11) and UHBVNL Transfer Policy, 2025 (Annexure P-12) also allow the competent authority i.e. the Managing Director, to stipulate 'prescribed' and 'minimum' tenure as well as a qualifying date.

18. Accordingly, the present petition is dismissed, as this Court does not find any instances of *mala fide* or arbitrary violation of norms prescribed under the policy of the respondent-Nigam.

19. All the pending miscellaneous application(s), if any, shall stand disposed of.

08.08.2025  
*vishnu*

**[ HARPREET SINGH BRAR ]**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No