



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

**CWP-28530-2025 (O&M)
Date of Decision: 26.09.2025**

Bhagwan Singh ...Petitioner

Vs.

State of Punjab and Others ...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gopal Singh Nahel, Advocate
for the non-applicant/petitioner.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

Mr. V.K Sandhir, Advocate
for respondent No.4/applicant.

N.S.Shekhawat J.
CM-14567-2025

Application is allowed as prayed for, subject to just all exceptions.

Annexures R-1 & R-2 are taken on record.

Main case

1. The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India with a prayer to issue a Writ in the nature of Certiorari for quashing the impugned transfer order dated 15.09.2025 (Annexure P-3) qua the petitioner, passed by respondent No.2, whereby, the petitioner has been transferred from Panchayat Samiti, Malerkotla to Panchayat Samiti, Nawashehar.

2. Learned counsel for the petitioner contends that the petitioner had joined the respondent department on 18.10.2001 as Panchayat Secretary and was promoted as Panchayat Officer subsequently. On 05.08.2025 (Annexure



P-1) the petitioner was transferred from Panchayat Samiti, Khera, Fatehgarh Sahib to Panchayat Samiti, Ropar. Again vide order dated 03.09.2025 (Annexure P-2), the petitioner was transferred from Panchayat Samiti, Ropar to Panchayat Samiti, Malerkotla. Again within a period of one month and 10 days i.e. on 15.09.2025, vide the impugned order dated 15.09.2025 (Annexure P-3), the petitioner was again transferred from Panchayat Samiti, Malerkotla to Panchayat Samiti, Nawashehar. He further contends that the petitioner had not served for a minimum period of two years at one station and the impugned order is passed only to victimize the petitioner. Learned counsel further submits that the petitioner is having three childrens, who are pursuing their studies and has to lookafter his old aged parents, who are suffering from various ailments. He further contends that even the transfer policy has been completely overlooked by the respondents, while passing the impugned order.

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the transfer has been made purely on administrative grounds and it is an incident of service. Even, the first transfer was made on the request of the petitioner and later on, transfer was again ordered, only on purely administrative grounds. Thus, the present petition deserves to be dismissed by this Court.

4. I have heard learned counsel for the parties and with their able assistance; I have perused the record carefully.

5. The Hon'ble Supreme Court has held in the matter of "*State of U.P and others Vs.Ashok Kumar Saxena and another (1998) 3 SCC*



categorically observed that transfer of an employee is within the prerogative power of an employer and normally the High Court should not interfere by exercising its jurisdiction under Article 226 of the Constitution of India unless it is shown clearly as mala fide or infraction of any professed norms and held as follows:-

*“.....The parameters of the powers of a Court under Article 226 vis-a-vis an order of transfer for are well settled. In **N.K. SINGH VERSUS UNION OF INDIA 7 ORS. (1994) 6 S.C.C. 98**, this Court held that interference by judicial review is justified only in cases of mala fides or infraction of any professed norms or principles and where career prospects remain unaffected and no detriment is caused to the concerned Government employee, challenge to the transfer must be eschewed. Reiterating the said proposition in *Sri Abani Kanta Ray Versus State of Orissa & Ors. J.T. 1995 (7) S.C. 467* the Court added that transfer being an incidence or service, is not to be interfered with by the Courts unless it is shown clearly arbitrary.....*

6. Similarly, in **Somesh Tiwari Vs. Union of India and others (2009) 2 SCC 592**, the Hon'ble Supreme Court again observed that an order of transfer is an administrative order, which is ordinarily an incident of service and the same should not be lightly interfered with. The relevant observations of the Hon'ble Supreme Court are reproduced as follows:-

“.....Indisputably an order of transfer is an administrative order. There cannot be any doubt whatsoever that transfer, which is ordinarily an incident of service should not be interfered with, save in cases where inter alia mala fide on the part of the authority is proved. Mala fide is of two kinds - one malice in fact and the second malice in law. The order in question would attract the principle of malice in law as it was not based on any factor germane for passing an order of



transfer and based on an irrelevant ground i.e. on the allegations made against the appellant in the anonymous complaint. It is one thing to say that the employer is entitled to pass an order of transfer in administrative exigencies but it is another thing to say that the order of transfer is passed by way of or in lieu of punishment. When an order of transfer is passed in lieu of punishment, the same is liable to be set aside being wholly illegal....”

7. In the present case, no doubt the petitioner was ordered to be transferred from Panchayat Samiti, Khera, Fatehgarh Sahib to Panchayat Samiti, Ropar on 05.08.2025 (Annexure P-1). However, the said transfer was made by the respondents only on the request of the petitioner. Even, now, vide the impugned order dated 15.09.2025 (Annexure P-3), the petitioner has been transferred from Panchayat Samiti, Malerkotla to Panchayat Samiti, Nawashehar and the new place of posting is only 55 kilometers from the residence of the petitioner. Thus, it cannot be stated that the petitioner has been transferred by the respondent department, only with a view to victimize him. Even otherwise, vide the impugned order, 23 other employees have also been transferred.

8. Thus, finding no merits, the present writ petition is accordingly ordered to be dismissed.

9. Pending application(s), stand(s), disposed of, accordingly.

26.09.2025

hitesh

Whether speaking/reasoned

Whether reportable

(N.S.SHEKHAWAT)
JUDGE

:Yes/No

: Yes/No