

2025:PHHC:082364



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

108+249

**CM-9389-CWP-2025 in/and  
CWP-1397-2025 (O&M)  
Date of decision: 08.07.2025**

DINESH PATLAN

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Present: - Mr. Ashwani Bhardwaj, Advocate  
for the applicant-petitioner.

Mr. Ravinder Malik (Ravi), Advocate  
for respondent No.3.

Ms. Dimple Jain, DAG, Haryana.

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**VINOD S. BHARDWAJ, J. (Oral)**

**CM-9389-CWP-2025**

Learned Counsel appearing on behalf of the applicant-petitioner  
seeks withdrawal of the present application.

Disposed of as withdrawn.

**CWP-1397-2025**

Challenge in the present writ petition is to the order of transfer  
dated 11.01.2025 issued by the Principal Chief Conservator of Forest and  
HoFF, Haryana whereby respondent No.3-Forest Ranger had been  
transferred as Incharge Raipur Rani vice the petitioner, in violation of the



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Forest Manual, on the ground that Panchkula has been reflected as the home district of respondent No.3 as per the gradation list and an employee cannot be posted in his home district.

2. The matter came up for hearing on 20.01.2025 when the above contention of the petitioner was noticed and the following order was passed:-

*“Learned counsel for the petitioner contends that as per the restrictions imposed by the Government on the posting of Forest Employees, who are in the rank of Deputy Rangers Incharge of a Range within home district, the impugned transfer order posts respondent No.3-Devender Kumar as Incharge, Raipur Rani Range, Panchkula, which is in violation of the Forest Manual (Annexure P-10).*

*Notice of motion.*

*Notice re: stay as well.*

*Ms. Tanisha Peshawaria, DAG, Haryana accepts notice on behalf of the respondents and prays for some time to seek instructions and file response, if so advised.*

*Adjourned to 22.04.2025.*

*The operation of the impugned order dated 11.01.2025 shall remain stayed to the extent of posting of respondent No.3 at Raipur Rani, Panchkula, till the next date of hearing.”*

3. The vehement argument advanced by the Counsel for the petitioner is that the gradation list has continuously reflected the address/home district of respondent No.3 as Panchkula and that the transfer of respondent No.3 in Raipur Rani, which falls in District Panchkula, is in



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violation of the Forest Manual as per which a person cannot be transferred to his home district.

4. He does not dispute that a home district/home town as per the instructions issued by the State is the District/Town as recorded in the service book.

5. The original service book of the petitioner had been produced before this Court and the same has been perused wherein the permanent home address of respondent No.3 has been mentioned as Village Kasola District Jind and not Panchkula.

6. Learned counsel for the respondent-State as well as the private respondent inform that at the time of submission of his application form, father of respondent No.3 was posted at Panchkula. Accordingly, the correspondence address (Temporary address) of Panchkula was mentioned, however, the respondents wrongly incorporated the said address as a home town address in the gradation list. After his retirement, the father moved to District Jind whereupon the respondent No.3 moved an application, way back in the year 2005, for carrying out the necessary correction in the service book on which the service book was rectified. They thus contend that the transfer of respondent No.3 to Raipur Rani Range is thus not in the home town and that reliance on the gradation list for determination of the home town cannot be relied upon contrary to the home district/home town that has been mentioned in the Service Book of the respondent No.3.



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7. Counsel for the petitioner has strenuously argued that the respondent No.3 also remained posted in Jind and in case his home town was District Jind, there was no occasion for his transfer and posting at Jind and that having enjoyed the benefit of stay at Jind, the petitioner cannot shift his home town at his convenience.

8. Learned Counsel for the petitioner has also vehemently argued that every change of entry is required to be approved by the competent authority before the same can be incorporated as a part of the service book.

9. It is evident from perusal of the original personal file of the petitioner wherein the application submitted by the respondent No.3 for change of his address has been processed and it is also evident from a perusal of the same that the competent authority i.e. the Deputy Conservator of Forests has approved the entry in the service record of the petitioner on 05.12.2005. The necessary change was thereafter also made in the service book. There is no reference to any provision in law that an entry once made in a service book cannot be changed or modified. In the absence thereof, the act of changing home district cannot be said to be illegal. Besides, the said change took place in the year 2005 i.e. merely two decades before the transfer tender challenge herein.

10. Even if certain procedural requirements, including stamping by the competent authority on any order, has not been followed by the department, the same would only be a procedural impropriety for which the employee cannot be held liable after two decades. Once an application had been submitted and which such application has been approved by the



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competent authority and has also been given effect to in the service record, any procedural lapse or impropriety, if any, committed by the officials in not adhering to the letter of instructions issued by them cannot be read to the prejudice of the respondents itself.

11. The argument that petitioner had earlier been posted at Jind being not under challenge herein can't be looked into at this belated stage and be a ground to ignore the actual service record.

12. The Hon'ble Supreme Court of India in the matter of "***State of U.P. v. Gobardhan Lal*** reported as (2004) 11 SCC 402 observed as under:-

*"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 infringement 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 surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.*

*9. The very questions involved, as found noticed by the High Court in these cases, being disputed questions of facts, there was hardly any scope for the High Court to generalise the situations based on its own appreciation and understanding of the prevailing circumstances as*



*disclosed from some write-ups in journals or newspaper reports. Conditions of service or rights, which are personal to the parties concerned, are to be governed by rules as also the inbuilt powers of supervision and control in the hierarchy of the administration of State or any authority as well as the basic concepts and well-recognised powers and jurisdiction inherent in the various authorities in the hierarchy. All that cannot be obliterated by sweeping observations and directions unmindful of the anarchy which it may create in ensuring an effective supervision and control and running of administration merely on certain assumed notions of orderliness expected from the authorities affecting transfers. Even as the position stands, avenues are open for being availed of by anyone aggrieved, with the authorities concerned, the courts and tribunals, as the case may be, to seek relief even in relation to an order of transfer or appointment or promotion or any order passed in disciplinary proceedings on certain well-settled and recognized grounds or reasons, when properly approached and sought to be vindicated in the manner known to and in accordance with law. No such generalised directions as have been given by the High Court could ever be given leaving room for an inevitable impression that the courts are attempting to take over the reigns of executive administration. Attempting to undertake an exercise of the nature could even be assailed as an onslaught and encroachment on the respective fields or areas of jurisdiction earmarked for the various other limbs of the State. Giving room for such an impression should be avoided with utmost care and*



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*seriously and zealously courts endeavour to safeguard  
the rights of parties.”*

13. Consequently, the instant writ petition is dismissed.
14. All the pending miscellaneous application(s), if any, are also disposed of.

**(VINOD S. BHARDWAJ)  
JUDGE**

**JULY 08, 2025**  
*Vishal Sharma*

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