

State Of Punjab And Others vs Joginder Singh Dhatt on 12 July, 1993

Equivalent citations: AIR1993SC2486, AIR 1993 SUPREME COURT 2486, 1993 AIR SCW 3167, 1993 () JT (SUPP) 485, (1995) 4 SCT 225

Bench: Kuldip Singh, S.C. Agrawal

JUDGMENT

1. Special leave granted.

2. Joginder Singh Dhatt, the respondent, is working as Superintendent Grade-II in the service of the Punjab Government. He was transferred from Hoshiarpur to Sangrur purely on administrative grounds. He challenged the order of transfer by way of a writ petition before the High Court on the ground that it was a mid-term transfer and apart from that he was due to superannuate on June 30, 1994 and as such under Government instructions he should not have been transferred. The State of Punjab pleaded before the High Court that the transfer was in the ordinary course. It was further stated that Joginder Singh Dhatt was charge-sheeted and to ensure that he did not interfere with the inquiry proceedings he was transferred to Sangrur. The High Court allowed the writ petition and quashed the transfer order on the following reasoning:

Despite all this, the learned Counsel for the petitioner insisted that this Court may cancel the impugned transfer order as the same is contrary to the instructions and a midterm transfer within two years of the superannuation, regardless of the consequences by any action which the State Govt. may take in the matter during the pendency of the inquiry.

Under the circumstances, we allow this petition and quash the impugned order of transfer dated 4th Nov., 1992 (Annexure P-2) as the same is contrary to the instructions of the State Govt. as also in view of the fact that the petitioner is attaining the age of superannuation on 30th June, 1994, and his transfer in the month of Nov., 1992 is a midterm transfer. There shall be no order as to costs.

3. We have heard learned Counsel for the parties. This Court has time and again expressed its disapproval of the Courts below interfering with the order of transfer of public servant from one place to another. It is entirely for the employer to decide when, where and at what point of time a public servant is transferred from his present posting. Ordinarily the Courts have no jurisdiction to interfere with the order of transfer. The High Court grossly erred in quashing the order of transfer of the respondent from Hoshiarpur to Sangrur. The High Court was not justified in extending its jurisdiction under Article 226 of the Constitution of India in a matter where, on the face of it, no injustice was caused.

4. We, therefore, allow the appeal, set aside the order of the High Court dated December 15, 1992 and uphold the order of transfer of the respondent from Hoshiarpur to Sangrur. No costs.