

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

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S.B. CIVIL WRIT PETITION NO.4491/2005
Miss Harbai Chabra

Versus

State of Rajasthan and Ors.

Date of Order : 29.7.2005

PRESENT

HON'BLE MR. JUSTICE R.P.VYAS

Mr. C.P. Trivedi, for the petitioner.

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The present writ petition under Article 226 of the constitution of India has been filed by the petitioner with a prayer that the impugned order of transfer dtd. 11.7.2005 (Annex.-1) may be quashed and set aside qua the petitioner.

Briefly stated the facts of the case as stated by the petitioner are that the petitioner was initially appointed as Supervisor in the year 1983 and on subsequent promotion and transfers she is presently working as Child Development Project Officer at Abu Road. Vide order

dated 11.7.2005 (Annex.1), the petitioner has been transferred to Reodar against the vacant post and the respondent No.4 has been transferred vice the petitioner.

It has also been submitted by the learned counsel for the petitioner that vide order dated 29.9.2004 the petitioner was transferred from Raniwara to Abu Road on her own request. However, vide order dated 11.7.2005 the petitioner has been transferred to Reodar just in order to accommodate the respondent No.4 Smt. Nirmla Jonwal.

Heard learned counsel for the petitioner at admission stage.

The main contention of the learned counsel for the petitioner is that the petitioner has been subjected to frequent transfers in as much as vide order dated 29.9.2004 petitioner was transferred to Abu Road at her own request and just after ten months she has again been subjected to transfer vide impugned order dated 11.7.2005, just in order to accommodate the respondent No.4 with mala-fide intention. It has also been alleged that the petitioner has not been transferred in administrative exigency. In support of his contention the

learned counsel for the petitioner has relied on decision of this Court in the case of Dr. Ajay Kumar Sharma V/s State of Rajasthan and Ors. reported in WLC (Raj.) 2003(1) 438.

I have considered the submissions made by the learned counsel for the petitioner. The transfer is an incident of service. It is not a punishment. It is the prerogative of the employer to transfer its employee as per its requirement in administrative exigency. The employer is not required to disclose the administrative exigency in the order of transfer. Further more, an employee cannot claim his posting at a particular place.

That apart the Hon'ble Supreme Court as well as this Court in catena of judgements have held that transferred order should not be interfered with while exercising jurisdiction under Article 226 of the Constitution of India, unless the same is actuated with malice or mala-fide. The petitioner has not levelled any specific allegation of mala-fide against any officer nor he has impleaded any one as party respondent.

For the reasons mentioned above, the impugned order of transfer dated 11.7.2005 (Annex.-1) does not

require any interference by this Court.

Accordingly, I do not find any merit in this writ petition and the same is hereby dismissed.

No order as to costs.

(R.P. VYAS)J.

Rm/