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

Civil Writ Petition No. 9326 of 2009
Date of decision:26.06.2009

Samir Deb ...Petitioner

Versus

Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE S.D.ANAND.

Present: Mr. Arvind Moudgil, Advocate for the petitioners.

S.D.ANAND, J.

The petitioner, an Inspector in the employment of the ITBP, was transferred to Chandigarh on his own request which he had made to enable him to be by the side of his wife who had to undergo Brain Tumor surgery in the year 2000. On account of certain medicines prescribed to her in the context of that ailment, both her kidneys were damaged in the year 2006 and she is under treatment "from PGI Chandigarh on regular basis and is not in a position to shift from some other place". Further, the Head, Department of Endocrinology, PGI, Chandigarh had opined vide letter No. ENDO/482 dated 18.5.2009) that "wife of the petitioner requires long replacement therapy and three months follow up in the Department". After a stay at Chandigarh for a period of over two years, the petitioner has been transferred to North East.

The petitioner filed a plea (on the administrative side) for

cancellation of his transfer which was declined by the competent authority.

The petitioner has filed this petition for the invalidation of the impugned transfer order (and also the order declining the plea put forward by him for cancellation of his transfer Annexure P-1 and Annexure P-4 respectively) as “illegal, unjust and arbitrary”) The further plea, in the context, is that the impugned transfer is violative of Clause 93 of the transfer policy (Annexure P-2).

On the own showing of the petitioner, he has been around at Chandigarh for more than two years. His wife has already been undergone the indicated surgery.

There are no allegations of malafides against any official.

By the very nature of things, the transfer and postings of public servants are essentially governed by the administrative exigencies. A transfer policy is only indicative of the broad parameters which will indicate governance ordinarily. There is nothing compulsive about the all-time following of the transfer policy under all eventualities. The petitioner cannot ask for life long posting at Chandigarh. It can, obviously, be averred that there is complete want of similar medical facilities at/around area of proposed station of posting of the petitioner. He is a member of disciplined force.

In the circumstances of the case, the petition is held to be denuded of merit and is ordered to be dismissed in limine.

**June 22, 2009
Pka**

**(S.D.Anand)
Judge**