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

**CWP-20757-2026 (O&M)
Date of decision: 10.07.2026**

DR SANDEEP SINGH

..Petitioner

Versus

**BHAKRA BEAS MANAGEMENT BOARD THROUGH ITS
CHAIRMAN AND OTHERS**

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Bhupender Singh, Advocate
for the petitioner.

Mr. Rajesh Garg, Sr. Advocate
with Ms. Neha Matharoo, Advocate
for respondents-BBMB.

SUDEEPTI SHARMA, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari for quashing order dated 06.07.2026 (Annexure P-7), whereby the petitioner has been arbitrarily transferred from BBMB Hospital, Nangal to BBMB Hospital, Sunder Nagar.

2. Learned counsel for the petitioner contends that the petitioner has been transfer to 150kms away and he has one year old son, who needs love and affection of father as well. He, therefore, prays that transfer order dated 06.07.2026 (Annexure P-7) be set aside and the present petition be allowed.

3. Notice of motion.



4. On the asking of the Court, Ms. Neha Matharoo, Advocate, accepts notice on behalf of the respondents-BBMB.

5. *Per contra*, learned Senior counsel for the respondents-BBMB contends that transfer is the incident of service. He relies upon the judgment passed by Hon'ble Supreme Court in **Sri Pubi Lombi Vs. State of Arunachal Pradesh and others, (2024) 12 SCC 292** and prays for dismissal of present writ petition.

6. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

7. A perusal of the file shows that petitioner has been transferred by way of general transfer. It is not the case of the petitioner that because of any punishment and *mala fide* intention of the respondents he has been transferred.

8. Hon'ble the Supreme Court has held that transfer is an incident of service in the judgments rendered in **B. Varadha Rao Vs. State of Karnataka, 1986(4) SCC 131**, **Abani Kanta Ray Vs. State of Orissa, 1996(1) SCT 22** and **Kendriya Vidyalaya Sangathan Vs. Damodar Prasad Pandey and others, 2004(12) SCC 299**.

9. The relevant portion of the judgment passed in **B. Varadha Rao's case (supra)** is reproduced as under:-

4. The learned Judges observe that these penalties can be imposed on a Government servant where disciplinary proceedings are initiated against him under the Rules by the competent authority. They further observe that Rule 18 of the Rules, therefore, provides for appeals against orders imposing penalties referred to and specified in Rule 8, and add :

"If an order of transfer does not amount to an order of penalty or 'any other order' falling within



Rule 19, such an order does not attract and is not appealable either under Rule 18 or Rule 19.”

We agree with the view expressed by the learned Judges that transfer is always understood and construed as an incident of service. The words 'or other conditions of service in juxtaposition to the preceding words 'denies or varies to his disadvantage his pay, allowances, pension' in Rule 19(1)(a) must be construed ejusdem generis. Any alteration in the conditions of service must result in prejudice to the Government servant and some disadvantage touching his pay, allowances, pension, seniority, promotion, leave, etc. It is well understood that transfer of a Government servant who is appointed to it particular cadre of transferable posts from one, place to another it an ordinary incident of service and, therefore, does not result in any alteration of any of the conditions of service to his disadvantage. That a Government servant is liable to be transferred to a similar post in the same cadre is a normal feature and incident of Government service and no Government servant can claim to remain in a particular place or in a particular post unless, of course, his appointment itself is to a specified, non-transferable post. As the learned Judges rightly observe :

“The norms enunciated by Government for the guidance of its officers in the matter of regulating transfers are more in the nature of guidelines to the officers who order transfers in the exigencies of administration than vesting of any immunity from transfer in the Government servants.”

10. The relevant portion of the judgment passed in **Abani Kanta Ray’s case (supra)** is reproduced as under:-

*“10. It is settled that a transfer which is an incident of service is not to be interfered with by the courts unless it is shown to be clearly arbitrary or vitiated by malafides or infraction of any professed norm or principle governing the transfer. [See **N.K. Singh v. Union of India and others, 1995(1) SCT 269 (SC) : 1994(6) SCC 98**]. The transfer of D.N. Mishra in this background being clearly in public interest, there was no permissible ground available to the Tribunal for quashing it. We are constrained to observe that the Division Bench of the Tribunal which made the impugned order dated 26.8.1993 quashing the transfer of D.N. Mishra on the ground of malice of the appellant as the Chairman of the Tribunal did so against the material on record and the facts beyond controversy which borders on judicial impropriety. It may also be noted that such comments*



were made against the Chairman without even a notice to him and as stated in the order itself after treating the application for impleading the Chairman to be deemed rejected.”

11. The relevant portion of the judgment passed in **Kendriya Vidyalaya Sangathan’s case (supra)** is reproduced as under:-

*“4. Transfer which is an incidence of service is not to be interfered with by the Courts unless it is shown to be clearly arbitrary or visited by mala fide or infraction of any prescribed norms of principles governing the transfer (see **Ambani Kanta Ray v. State of Orissa, 1995 (Suppl) 4 SCC 169**). Unless the order of transfer is visited by mala fide or is made in violation of operative guidelines, the Court cannot interfere with it. (see **Union of India v. S.L. Abbas, 1995(4) SCT 455 (SC) : AIR 1993 Supreme Court 2444**). Who should be transferred and posted where is a matter for the administrative authority to decide. Unless the order of transfer is vitiated by mala fide or is made in violation of operative any guidelines or rules the courts should not ordinarily interfere with it. In **Union of India & ors. v. Janardan Debanath & anr., (2004) 4 SCC 245** it was observed as follows :*

*“No Government servant or employee of a public undertaking has any legal right to be posted forever at any one particular place or place of his choice since transfer of a particular employee appointed to the class or category of transferable posts from one place to another is not only an incident, but a condition of service, necessary too in public interest and efficiency in the public administration. Unless an order of transfer is shown to be an outcome of mala fide exercise or stated to be in violation of statutory provisions prohibiting any such transfer, the courts or the tribunals normally cannot interfere with such orders as a matter of routine, as though they were the appellate authorities substituting their own decision for that of the employer/management, as against such orders passed in the interest of administrative exigencies of the service concerned. This position was highlighted by this Court in **National Hydroelectric Power Corpn. Ltd. v. Shri Bhagwan, 2002(1) SCT 236 (SC) : (2001) 8 SCC 574**”.*



12. The Hon'ble Supreme Court in **Sri Pubi Lombi's case (Supra)** has held that in the absence of pleadings regarding *mala fide*, violation of any statutory provisions, allegations of transfer being detrimental to the employee who is holding a transferrable post, judicial interference is not warranted.

13. The relevant paras of the judgment passed in **Sri Pubi Lombi's case (Supra)** are reproduced as under:-

*“9. Further, following the footsteps of S.L. Abbas (supra) this Court in the case of **Union of India and another v. N.P. Thomas; 1993 Supp (1) SCC 704** held that the interference by the Court in an order of transfer on the instance of an employee holding a transferrable post without any violation of statutory provision is not permissible.*

*10. This Court further curtailed the scope of judicial review in the case of **N.K. Singh v. Union of India and others; (1994) 6 SCC 98** holding that the person challenging the transfer ought to prove on facts that such transfer is prejudicial to public interest. It was further reiterated that interference is only justified in a case of malafide or infraction of any professed norm or principle. Moreover, in the cases where the career prospects of a person challenging transfer remain unaffected and no detriment is caused, interference to the transfer must be eschewed. It is further held that the evidence requires to prove such transfer is prejudicial and in absence thereof interference is not warranted.*

11. The law reiterated by this Court is reproduced, in following words (N.K. Singh case, SCC pp. 104 & 108, paras 9 & 23-24): -



"9. Transfer of a public servant from a significant post can be prejudicial to public interest only if the transfer was avoidable and the successor is not suitable for the post. Suitability is a matter for objective assessment by the hierarchical superiors in administration. To introduce and rely on the element of prejudice to public interest as a vitiating factor of the transfer of a public servant, it must be first pleaded and proved that the replacement was by a person not suitable for the important post and the transfer was avoidable. Unless this is pleaded and proved at the threshold, no further inquiry into this aspect is necessary and its absence is sufficient to exclude this factor from consideration as a vitiating element in the impugned transfer. Accordingly, this aspect requires consideration at the outset."

14. In view of the above, the present writ petition is **dismissed** being devoid of any merit.

15. All the pending miscellaneous applications, if any, are also disposed of.

July 10th, 2026

Ayub/Sahil

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*