

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-1026-2020 (O&M)
Date of Decision: 15.1.2020

Dr. Arvinder Pal Kaur Gill

--Petitioner

Versus

Punjab State Power Corporation Ltd. & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.K. Goel, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner, who is serving on the post of Medical Officer under the respondent-Corporation, has filed the instant petition assailing her transfer from Patiala to Lehra Mohabat vide order dated 26.12.2019 (Annexure P-9).

Counsel submits that prior in point of time petitioner had been transferred from Patiala to Ropar on 5.9.2017 but such order was set aside by this Court vide judgement dated 3.12.2019 passed in CWP-20947-2017. It is contended that the petitioner has been penalized only on account of having approached this Court and merely three weeks after the petition having been allowed, she has been displaced from Patiala. Second submission raised by counsel is that there is a violation of the Transfer Policy framed by the State of Punjab and which would be applicable even to the employees of P.S.P.C.L. Counsel adverts to the Policy placed on record at Annexure P-5 to contend that the normal tenure of posting has been stipulated as minimum 3 years and maximum 5 years as far as possible. It is contended that one Dr. P.S. Grewal, S.M.O has been serving in Patiala since the last 15 years and whereas the petitioner had served at her present place of posting only for a period of 3 years approximately and inspite thereof she

has been displaced. Yet another submission raised is that the petitioner is not married and under the Transfer Policy a special consideration ought to be given to unmarried girls and widows.

Having heard counsel for the petitioner at length, this Court is of the considered view that no interference in the matter is warranted.

Concededly, petitioner came to be appointed on the post of Medical Officer vide appointment letter dated 26.12.2016. Vide order dated 5.9.2017 she was transferred from Patiala to Ropar and which action was assailed by filing CWP-20947-2017. The writ petition was allowed vide judgement dated 3.12.2019 and the transfer order dated 5.9.2017 was set aside essentially on the basis that the transfer order had been passed in clear deviation of clause 18 of the appointment letter and which was in the following terms:-

“You will have to serve at present offered place of posting at least for a period of 2 years and no request of any change would be entertained by the Corporation.”

Be that as it may, by virtue of an interim order passed in CWP-20947-2017 petitioner continued to serve on the post of Medical Officer at Patiala itself. Even in the judgement dated 3.12.2019 passed by this Court wherein the previous transfer order had been set aside, it had been made clear that the petitioner would not be vested with a right to continue at Patiala and it would be open for the respondent Corporation to issue transfer orders afresh in the wake of any administrative exigency.

The factual premise that emerges is that petitioner having been issued appointment letter dated 26.12.2016 has served on the post of Medical Officer at Patiala itself ever since. Now after a period of 3 years having elapsed the impugned transfer has been directed calling upon the

petitioner to join at Lehra Mohabat. Even the Transfer Policy relied upon by the counsel envisages a normal tenure of service at a particular place ranging from 3 years to 5 years.

The plea of discrimination by citing the instance of Dr. P.S. Grewal is not well founded. Petitioner is not vested with a right to continue at a particular place of posting. For a plea of discrimination to sustain, a vested right has to be a prerequisite. Even if the assertion made by counsel that Dr. P.S. Grewal has been permitted to serve at Patiala for a period of 15 years is taken to be correct at its face value, still, a Mandamus cannot be issued to the respondent Corporation to permit the petitioner to continue at Patiala.

No infirmity is found by this Court in the impugned transfer order dated 26.12.2019 (Annexure P-9).

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

15.1.2020
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No