

## Laloo Singh Vs Union of India (UOI) and Others

**Court:** Allahabad High Court (Lucknow Bench)

**Date of Decision:** April 1, 2010

**Citation:** (2011) 3 AWC 2233

**Hon'ble Judges:** Anil Kumar, J

**Bench:** Single Bench

**Final Decision:** Dismissed

### Judgement

Anil Kumar, J.

Heard Sri Ajai Kumar Jaiswal, learned Counsel for the Petitioner, Sri Adnan Ahmad learned standing counsel for Central

Government and Sri Dheeraj Raj Singh holding brief of Sri Vivek Raj Singh for opposite parties No. 2 to 6.

2. By means of the present writ petition, the Petitioner has challenged the order dated 5.3.2010, passed by opposite party No. 5 by which he has

been transferred from Indian Telephone Industries Limited Mankapur. Gonda to C.P.D.-G.S.M. Ahmedabad and also order dated 20.3.2010,

passed by opposite party No. 5 by which the Petitioner's representation dated 10.3.2010 has been rejected

3. In brief. the facts of the case as submitted by the learned Counsel for the Petitioner are that the Petitioner, who is presently working on the post

of Executive Grade-1 in Indian Telephone Industries, Mankapur, Gonda, has been transferred from Indian Telephone Industries Limited

Mankapur, Gonda to C.P.D.-G.S.M. Ahmedabad by means of order dated 5.3.2010, passed by opposite party No. 5. Thereafter, the Petitioner

submitted a representation dated 10.3.2010 before opposite party No. 5, the same was rejected by order dated 20.3.2010, hence the present

writ petition.

4. learned Counsel for the Petitioner fairly admitted that the Petitioner is holding a transferable post.

5. The law is well-settled that transfer being exigency of service can be effected by the employer concerned in accordance with its administrative

exigency, in the interest of administration and public interest at any point of time and that cannot be monitored and guided by this Court unless it

may be shown that transfer order is vitiated on account of the contravention of the statute, or lacks jurisdiction or mala fide.

6. Admittedly, in the present case, it is not disputed by the learned Counsel for the parties that the Petitioner is holding the transferable post as such

in view of the judgment passed by the Hon"ble Supreme Court in the case of Mrs. Shilpi Bose and others Vs. State of Bihar and others, wherein

Hon"ble Supreme Court has held as under:

In our opinion, the Courts should not interfere with a transfer order which is made in public interest and for administrative reasons unless the

transfer order are made in violation of any mandatory statutory rule or on the ground of mala fide. A Government servant holding a transferable

post has no vested right to remain posted at one place or the other. He is liable to be transferred from one place to the other. Transfer orders

issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or

orders the Courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the department.

7. The aforesaid view has been reiterated by Hon"ble Supreme Court in the case of Union of India and another Vs. N.P. Thomas, and N.K. Singh

Vs. Union of India and others, holding therein if a person holding a transferable post, is transferred, there is no violation of any statutory/mandatory

rules then the same is not subject to judicial review.

8. Further, in the case of Chief General Manager (Telecom), N.E. Telecom Circle and another Vs. Rajendra Ch. Bhattacharjee and others,

Hon"ble Supreme Court has held as under:

It is needless to emphasise that a Government employee or any servant of a public undertaking has no legal right to insist for being posted at any

particular place. It cannot be disputed that the Respondent holds a transferable post and unless specifically provided in his service conditions, he

was no choice in the matter of posting. Since the Respondent has no legal or statutory right to claim his posting at Agartala, therefore, there was no

justification for the Tribunal to set aside the Respondent 's transfer to Dimpur.

9. Further, in the present case, learned Counsel for the Petitioner has raised an argument that the order of transfer is mala fide in nature. The said

argument raised by the learned Counsel for the Petitioner is wholly misconceived in view of the law laid down by Hon"ble Supreme Court in the

case of Federation of Railway Officers Association and Others Vs. Union of India (UOI), If plea of mala fide is raised by the Petitioner then the

person against whom the malice is alleged, should be made a party but in the present case, Petitioner has not made any person by name against

whom mala fide is alleged, so the Petitioner cannot be allowed to raise the said plea, therefore, the order cannot be said to be vitiated on the

ground of mala fide.

10. In view of above said fact as in the instant case, the Petitioner is holding a transferable post and by means of order"" dated 5.3.2010, passed by

opposite party No. 5, the Petitioner has been transferred from Indian Telephone Industries Limited Mankapur, Gonda to C.P.D.-G.S.M.

Ahmedabad. Thereafter, his representation dated 10.3.2010 which he preferred against the transfer order, has also been rejected on 20.3.2010

by the competent authority/opposite party No. 3. Accordingly there is neither any illegality nor infirmity in the orders under challenge in the present

writ petition.

11. For the forgoing reasons, the present writ petition lacks merits and is accordingly dismissed.

No order as to costs.