

**(2012) 08 MP CK 0172**  
**Madhya Pradesh High Court**  
**Case No:** W.P.No. 5596 of 2012

Girwar Lal Jatam

APPELLANT

Vs

State of M.P.

RESPONDENT

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**Date of Decision:** Aug. 3, 2012

**Hon'ble Judges:** Sujoy Paul, J

**Bench:** Single Bench

**Advocate:** Neelesh Tomar, for the Appellant; Praveen Newaskar, Dy. Government  
Advocate for State, for the Respondent

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**Judgement**

Sujoy Paul Judge

1. Petitioner is aggrieved by his transfer from Sahasram to Hasilpur on the ground that his four children are studying in different classes and his transfer to a remote place. This is settled in law that transfer order can be interfered with only if it runs contrary to the statutory provision, proved to be a malafide one, changes service conditions of an employee to his detriment or issued by an incompetent authority. Mere violation of transfer policy, will not render transfer order as illegal. The Division Bench of this Court reported in ILR (2007) M.P 1329 [R.S. Choudhary Vs. State of M.P.] held as under:-

In view of the aforesaid pronunciation of law by the Apex Court in several cases, which we have referred hereinabove, we are of the considered opinion that the transfer policy formulated by the State is not enforceable as the employee does have a right and the Courts have limited jurisdiction to interfere in the order of transfer. The Court can interfere if there is violation of mandatory statutory rule or if the action of the Government is capricious, malicious, cavalier and fanciful. What would constitute these components that would depend on facts of each case as the same can be neither illustratively or exhaustively stated. In fact, that is not warrantable to be stated. We proceed to hold that in case an order of transfer is assailed on the ground that there has been violation of the policy, the proper remedy is to approach the authorities by pointing out the violation and it is

expected of the authorities to deal with the same keeping in mind the policy guidelines with utmost objectivity.

(Emphasis supplied)

2. Whenever a person is transferred, it definitely causes inconvenience to him. However, personal inconvenience cannot be a ground to interfere in the transfer order. I find no reason in the transfer order. However, this will not preclude the petitioner to pursue his departmental representation.