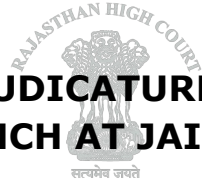




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Civil Writ Petition No. 10104/2026

Chhatrapal Singh Gour S/o Lt. Shri Madan Singh Gour, Aged About 32 Years, R/o A-23A, Durgadas Colony, Vaishali Marg West, Jaipur (Raj.) - 302034, Presently Working As Ldc(S) In Csd Depot, Jaipur

-----Petitioner/Applicant

Versus

1. Union Of India, Through Its Secretary, Ministry Of Defence, South Block, New Delhi -110001.
2. General Manager And Chairman, Board Of Administration, Canteen Store Department, Head Office, Adelphi, 119, M.k. Road, Mumbai - 400020.
3. Area Manager, Canteen Stores Department, Jaipur Depot, Piru Lines, Behind Military Hospital, Jaipur (Raj.) - 302006

-----Respondents

For Petitioner(s) : Mr. Shobit Tiwari with Mr. Anshuman Singh Khangarot, Mr. Aditya Mishra, Mr. Anupam Bhargava and Mr. Rohit Tiwari

For Respondent(s) : None present

**HON'BLE MR. JUSTICE UMA SHANKER VYAS (V. J.)
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN (V. J.)**

REPORTABLE

Judgment

Date of conclusion of arguments : 08/06/2026
Date on which the judgment was reserved : 08/06/2026
Whether the full order or only the operative part is pronounced : Full Judgment
Date of pronouncement : 10/06/2026

Per Hon'ble Justice (Ashok Kumar Jain)

1. Instant writ petition is preferred by the petitioner-applicant aggrieved from the order dated 26.05.2026 in Original



Application No. 307/2025 passed by the Central Administrative Tribunal, Jaipur Bench, Jaipur (hereinafter referred to as "CAT" or "Tribunal").

2. Brief facts of the case are that the petitioner-applicant was appointed as LDC (Stores) in the Canteen Stores Department (CSD), Ministry of Defence, Government of India, and pursuant to the appointment letter, the petitioner joined at Bathinda on 14.12.2018. On 27.03.2023, the petitioner was transferred to Jaipur and, since then, he was working at Jaipur Depot till he was transferred to HO (Secy Br) vide order dated 03.02.2025 (Annexure-1). The petitioner filed a representation, but the same was dismissed on 06.05.2025. The petitioner filed O.A. No. 218/2025 before the CAT, which was disposed of on 13.05.2025. Thereafter, the petitioner challenged the order dismissing the representation dated 06.05.2025 by filing another O.A. No. 230/2025. The Tribunal quashed the order dated 06.05.2025 and disposed of the said O.A. on 15.05.2025 with a direction to the respondents to decide the representation by a speaking and reasoned order.
3. The respondents thereafter passed a speaking and reasoned order on 13.05.2025, which was challenged by filing O.A. No. 307/2025. The said O.A. was dismissed on 26.05.2026, observing as under:

"5. Heard. Learned counsel for the applicant has mainly pressed his arguments on the basis of transfer policy claiming that the principle of longest stayee and choice station has not been





followed by the respondents in transferring the applicant. Second ground he has taken is that he was not allowed to complete the minimum tenure. To examine that we reproduce sub para (iii) of para 2 of the Transfer Policy:

"iii) As far as possible, staff will not be transferred within 2 years of their retirement unless volunteered or on promotion and/or due to other administrative exigencies."

The applicant by now has already completed minimum tenure of two years as per the transfer policy infact he has completed 03 years by now at Jaipur Depot in March 2026 and now we are running into May 2026 which is more than 03 year.

Other relevant provisions of the transfer policy which the respondents have relied upon are also reproduced as below:

(a) Policy considerations:

THAT as per transfer policy no. 3/Pers/A-2/1201/1128 dtd 04 Oct 2011:

Para-3(xiv), Organisational and functional requirement will be an over-riding consideration for posting.

"Para-3(xxvi). While the administration will normally observe the norms for postings on the basis of "Longest stayee and choice station" as followed hitherto, it obviously reserves the right to effect transfer on administrative grounds, if such a deviation is considered necessary."





Para-5. GM, CSD being Head of Department, reserves the right to override relax any of the aforesaid provisions depending upon the exigencies of services".

Perusal of the above, clearly shows that the norm for posting on the basis of longest stayee and choice station is not absolute, it is in fact subject to the administrative exigencies. Organisational requirement is over-riding factor though the norms laid down in the transfer policy should "normally" be observed but are subject to the administrative exigencies/organisational interest and as per para 5 above the competent authority has the right to override or relax any of the provisions depending upon the exigencies of service and in the present case in their impugned speaking order dated 30.05.2025 the respondents have clearly stated that transfer from Jaipur to Mumbai was made to meet the exigencies of work at Headquarter (Secretariat Branch) Mumbai due to shortage of staff there in view of the organisational requirements.

6. As to the list of 25 employees which the applicant has annexed claiming that they are station seniors, the respondents side has controverted stating that out of 25, none of the 22 are LDC Stores whereas the applicant is LDC Stores. As to the remaining 03 out of that one Shri Anuj Kumar has already been transferred and the second person i.e. Harish Yadav





has also applied for transfer and his application is being considered. So, In other words, only 01 person who holds the same post as the applicant is still serving at Jaipur station.

7. It is a settled proposition of law that it is for the employer organization to decide and deploy the employees at different places depending upon the organisational needs. Since it is the responsibility of the employer department to run the administration effectively as such they also have the authority/power to deploy the manpower optimally. The transfer policies are broad guidelines to be followed and observed in the normal course but are not mandatory and cannot be enforced to be followed word by word. In any case, the scope of interference of the courts/tribunals is very limited and is called upon only in cases where authorities are acting either without competence or grossly arbitrarily and in the present case nothing of the sorts has been found.

8. The applicant has till date served at Jaipur CSD Depot for more than 03 years whereas the minimum tenure as per the transfer policy is 02 years and his contention that as many as 25 station seniors are presently working at the Jaipur Depot is wrong (as we have distinguish the same in the preceding paras). Besides, the respondents have also stated in the impugned order that all employees of CSD are covered under all-





India service liability and the applicant himself had also given undertaking to that effect.

9. One of the contentions of the applicant that he cannot be transferred from Jaipur to Mumbai which is about 1200 Kms, cannot be accepted because when he accepted the present employment he very much accepted the terms and conditions of the service and one of such was pan-India transfer liability.

4. Learned counsel for the petitioner, while referring to the appointment letter dated 16.11.2018 (Annexure-3), submitted that the petitioner was appointed on the post of LDC (Stores) and is entitled to be posted only in the Stores Department and not at the Head Office as directed in the impugned transfer order. He also submitted that the appointment order does not contain any condition which empowers the respondents to transfer the petitioner to the Head Office or any other wing except stores.
5. He further referred to the Transfer Policy of Group 'C' employees issued by the respondents on 04.10.2011 and submitted that there are six grounds on which a person in the Group 'C' category can be transferred from one place to another. He also submitted that it was the duty of the administration to follow "**the longest stay and choice station formula**" before exercising the option to transfer any employee, on administrative ground. He further submitted that the petitioner has not completed even a regular tenure of three years, yet he has been transferred





from Jaipur to HO, Mumbai. He also referred to the list of 25 persons presently posted at Jaipur and senior to the present petitioner and submitted that, while considering the case of transfer of the petitioner they were not considered on the basis of the longest stayee formula and the petitioner alone was selected and transferred. He also submitted that three persons were junior to the petitioner, and even in case of administrative exigencies, they were not considered for transfer from Jaipur to HO Mumbai.

6. Learned counsel has further submitted that the petitioner was not paid bonus for the year 2022-23 and the petitioner had sent an e-mail to the Defence Minister and further sought information under the RTI Act, and this was only trigger point, which prompted the respondents to take action against the petitioner, so as to suppress his voice. He further submitted that no disciplinary proceedings or any instance of indiscipline were ever noticed against the petitioner and, despite good service record, the petitioner was vindictively and arbitrarily transferred from Jaipur to HO Mumbai.
7. Learned counsel further submitted that when there is a transfer policy, which is a binding nature of document, the respondents are duty-bound to observe the guidelines, contained therein in letter and spirit, so as to become modal employer. He also referred to the dismissal of his representation and submitted that, after exhausting the remedy, the petitioner approached the Tribunal and the Tribunal, without appreciating the grounds raised by the petitioner, dismissed the O.A. He also referred to the





administrative exigencies and submitted that not a single iota of material has been placed on record to show as to what were the administrative exigencies which prompted the respondents to transfer the petitioner nearly 1200 kilometers far from current place of posting. He also submitted that the respondents are under an obligation to demonstrate the reasons behind the transfer and also to disclose the same when a representation is filed by the petitioner.

8. None appeared on behalf of the respondents despite service in the office of the learned Additional Solicitor General.
9. Heard learned counsel for the petitioner and perused the material placed on record.
10. The instant matter relates to the transfer of the petitioner from one place to another. It is well settled that transfer is an incident of service, meaning thereby that an employee has no vested right to remain posted at a particular post or at a particular station. A writ court under Article 226/227 of the Constitution of India can interfere only if the petitioner is able to establish that the transfer order is mala fide or beyond the competence of the issuing authority.
11. In the case of **Sheela Suryavanshi vs. State of A.P., reported in 2020 SCC OnLine HP 1295**, a Division Bench of the Himachal Pradesh High Court, after considering the judgments in the cases of **B. Varadha Rao vs. State of Karnataka, reported in (1986) 4 SCC 131**, **Shilpi Bose vs. State of Bihar, reported in 1991 Supp (2) SCC 659**, and **Rajendra Roy vs. Union of India, reported in (1993) 1 SCC 148**, observed that the Government and





likewise Public Sector Undertakings are expected to function as model employers. A model employer is under an obligation to conduct itself with high probity and is duty-bound to treat its employees equally and in an appropriate manner so that the employees are not condemned to fall subservient to the situation. A model employer should not exploit the employees and take advantage of their helplessness and misery.

12. In case of **Rajendra Roy vs. Union of India (supra)**

Hon'ble Supreme Court, has held as under:

"7. It is true that the order of transfer often causes a lot of difficulties and dislocation in the family set up of the concerned employees but on that score the order of transfer is not liable to be struck down. Unless such order is passed mala fide or in violation of the rules of service and guidelines for transfer without any proper justification, the Court and the Tribunal should not interfere with the order of transfer. In a transferable post an order of transfer is a normal consequence and personal difficulties are matters for consideration of the department. We are in agreement with the Central Administrative Tribunal that the appellant has not been able to lay any firm foundation to substantiate the case of malice or mala fide against the respondents in passing the impugned order of transfer. It does not appear to us that the appellant has been moved out just to get rid of him and the impugned order of transfer was passed





mala fide by seizing an opportunity to transfer Shri Patra to Orissa from Calcutta. It may not be always possible to establish malice in fact in a straight cut manner. In an appropriate case, it is possible to draw reasonable inference of mala fide action from the pleadings and antecedent facts and circumstances. But for such inference there must be firm foundation of facts pleaded and established. Such inference cannot be drawn on the basis of insinuation and vague suggestions. In this case, we are unable to draw any inference of mala fide action in transferring the appellant from the facts pleaded before the Tribunal. It appears that Shri Patra was transferred to Calcutta and after joining the post he had made representation on account of personal hardship. Such representation was considered and a decision was taken to transfer him back to Orissa region. As a result, a necessity arose to transfer an employee to Calcutta to replace Shri Patra. It cannot be reasonably contended by the appellant that he should have been spared and some one else would have been transferred. The appellant has not made any representation about the personal hardship to the department. As such there was no occasion for the department to consider such representation. This appeal, therefore, fails and is dismissed but we make no order as to costs. It is, however, made clear that the appellant will be free to make representation to the concerned department about personal hardship, if any,





being suffered by the appellant in view of the impugned order. It is reasonably expected that if such representation is made, the same should be considered by the department as expeditiously as practicable."

13. In case of **State of U.P. and Another versus Siya Ram and Another, reported in (2004) 7 SCC 405**, the Hon'ble Supreme Court has held as under:

"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 other 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.

The above position was recently highlighted in **Union of India and others v. Janardhan Debanath and another (2004 (4) SCC 243)**. It has to be noted that the High Court proceeded on the basis as if the transfer was





connected with the departmental proceedings. There was not an iota of material to arrive at the conclusion. No mala fides could be attributed as the order was purely on administrative grounds and in public interest."

14. In case of **State of U.P. versus Gobardhan Lal, reported in (2004) 11 SCC 402**, Hon'ble Supreme Court has held as under:

"It is too late in the day for any Government Servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not





affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision."

15. In case of **Rajendra Singh versus State of U.P., reported in (2009) 15 SCC 178**, Hon'ble Supreme Court has observed as under:

"5. A Government Servant has no vested right to remain posted at a place of his choice nor can he insist that he must be posted at one place or the other. He is liable to be transferred in the administrative exigencies from one place to the other. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary. No Government can function if the Government Servant insists that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires.

6. The courts are always reluctant in interfering with the transfer of an employee unless such transfer is vitiated by violation of some statutory provisions or suffers from mala fides. In the case of **Shilpi Bose (Mrs.) & Ors. v. State of Bihar (supra)** this Court held :





"4. 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 orders 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. If the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest. The High Court overlooked these aspects in interfering with the transfer orders."

16. In light of the aforesaid principles, we are considering the grounds as referred by learned counsel for the petitioner in support of the claim of the petitioner to quash the transfer order issued by the respondents. The Tribunal has already dismissed the O.A., finding no merit in the grounds raised by the petitioner.
17. The first ground of the petitioner is that the petitioner was appointed as LDC (Stores) and he could not be transferred other than CSD Stores. The appointment order is placed on





record and indicates that the petitioner was appointed on the post of LDC (Stores) in CSD, Ministry of Defence. The appointment letter dated 16.11.2018 clearly indicates that the services of the petitioner shall be governed by the service conditions (including rules) as mentioned therein and it includes the applicability of the Conduct Rules.

18. It is a settled proposition under administrative law that the worth and suitability of an employee must be left to the bona-fide decision of the employer and he is the appropriate and best person to judge the posting and deployment of any person upon the requirement of the department. The principle regarding determination of suitability for any particular post is the sole discretion of the employer and the authority of any employer cannot be undermined or interfered with by any court of law. The Court cannot scrutinize the suitability of an individual or substitute its opinion.
19. The appointment letter clearly indicates that the petitioner is posted in the Canteen Stores Department of the Ministry of Defence and the Head Office is Mumbai. The petitioner was initially appointed at Bathinda, which means that as per the rules and regulations, he is likely to be posted and transferred to any other place under the CSD, Mumbai. Any LDC posted in CSD Stores does not mean that he has any right not to be considered for posting at the back-end office or the administrative wing of said store. The posting as LDC in H.O. clearly means that instead of posting the petitioner at any store, his services have been taken at the





administrative office. None of the condition in the appointment order give any right to petitioner to remain posted only in Stores or field.

20. The second ground of the petitioner is implementation of the Transfer Policy dated 04.10.2011. The Transfer Policy clearly indicates that employees of Group 'C' will be liable for transfer on the following grounds:

- a. On their own request.
- B. On volunteering to serve at hard stations and field stations/new Depots in response to HO circular.
- c. On promotion.
- d. On tenure completion.
- e. On compassionate ground.
- f. On administrative ground.

The aforementioned grounds include transfer on administrative grounds.

20.1 Learned counsel for the petitioner has also referred Guideline No. 3(xxvi) and the same is reproduced as under:

"While the administration will normally observe the norms for postings on the basis of "Longest stayee and choice station" as followed hitherto, it obviously reserves the right to effect transfer on administrative grounds, if such a deviation is considered necessary."

21. In case of **Union of India versus S.L. Abbas, reported in AIR 1993 SC 2444**, Hon'ble Supreme Court has considered the guidelines regarding transfer and observed that it does





not confer upon any Government employee a legal and enforceable right. The observation is reproduced as under:

"Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the government employee a legally enforceable right."

22. The aforementioned judgment was considered in the case of **Mohammad Masood Ahmad versus State of U.P., reported in (2007) 8 SCC 150**, and in the case of **Major Amod Kumar versus Union of India, reported in (2018) 18 SCC 478**, and it was held that a transfer order, unless contrary to the rules or mala fide, cannot be interfered with.
23. The Transfer Policy was further considered by a Division Bench of this Court at Principal Seat, Jodhpur, in the case of **Union of India versus Surendra Kumar, D.B. Special Appeal No. 720/2024, decided on 06.09.2024**, and it was held that transfer orders in the Forces are primarily





administrative decisions and interference is only warranted in case of statutory violation or malafides.

24. Considering the aforesaid, the petitioner is not entitled for enforcement of the Transfer Policy dated 04.10.2011, as the same is just a guideline to be considered at the time of making transfer of an individual upon whom the policy is applicable. The transfer policy cannot be enforced against respondents by invoking Article 226/227 of the Constitution of India.
25. Now comes another ground under the policy, that is Guideline No. 3(xxvi), whereby the respondents are under an obligation to follow the guideline related to longest stay and choice of station. The petitioner has referred to a list of 25 persons senior to him and three persons junior to him who are liable and eligible to be transferred to H.O. Again, suitability of a person to a particular post means reverse proposition as well. A person, if not found suitable to be continued at any place, and necessary to transfer to maintain discipline, then it is also a ground not to follow said clause under the policy.
26. As referred in the preceding paragraphs, we have made it clear that the Transfer Policy is not to be treated as a binding rule between the petitioner-employee and the respondent-employer. The petitioner has no right to enforce the provisions of the Transfer Policy as a violation of fundamental or constitutional rights, and the same is well settled till date.





27. Now comes the ground of mala fide and arbitrariness. The petitioner has claimed that he had sent an e-mail to the Defence Minister and later sought information under the RTI Act, 2005. The material on record indicates that the petitioner sought information under the RTI Act and the same was provided to the petitioner on 16.12.2025. We have considered the information provided to the petitioner, about grant of bonus. The issue regarding grant of bonus was pending for decision.

28. The petitioner has also filed an application on 07.11.2023 raising an issue about deployment under a junior person. The petitioner submitted a representation against his transfer, which was considered by the respondents, and on 30.05.2025 an order was passed dismissing the representation.

29. The transfer order dated 03.02.2025 indicates that three persons were transferred and all the three were posted at HO (Secy Br.). The transfer of the petitioner was not passed in isolation; rather, three persons were posted at the same place under the same order.

30. The order dated 30.05.2025 passed by "AGM (Pers) for General Manager" indicates that the respondents have manifested that all employees of the CSD are governed by all India service liability. The petitioner was transferred from Bathinda to Jaipur on his own request, means he was transferred on his own choice. The petitioner was working at Jaipur Depot since March, 2023 and the transfer order was issued on 03.02.2025. The transfer order was further stayed





by the Tribunal, which was ultimately vacated on 26.05.2026, meaning thereby that the petitioner remained posted at Jaipur Depot from March 2023 to 26.05.2026 i.e. for more than three years. Normally, the tenure prescribed in the Transfer Policy is two years to three years. Therefore, serving at one place continuously for two years does not give rise to any speculation that a person has been transferred permaturely.

31. The disposal of the representation on 30.05.2025 clearly indicates that the petitioner was transferred only because of the functional requirement of the department. It clearly indicates that the petitioner was transferred on administrative ground, and administrative ground is the choice of the employer to relocate any employee to fulfil organizational needs, manage functional requirements, or resolve any conflict relating to the workplace. Any transfer on administrative ground is not an arbitrary decision and the same can only be challenged if mala fide is proved. However, in the absence of mala fide and vindictiveness, the Court cannot interfere with an order of transfer, which has been issued purely on administrative needs and exigencies.
32. Having gone through the entire record of the case and also the grounds as raised by the petitioner, we do not find any mala fide intention on the part of the respondents behind the transfer of the petitioner, as there is no evidence to establish any personal vendetta on the part of any of the respondent(s). The issues raised, such as non-payment of bonus and working under a junior, have not turned into a





personal conflict to presume vindictiveness or anything to suggest that the transfer was made on account of hostile atmosphere or as a disciplinary measure by the respondents.

33. Considering the grounds in light of the legal position as discussed hereinabove, the transfer of the petitioner was undertaken only on administrative ground and, when a person is transferred on administrative ground, then he has no grievance to raise before any court of law. The petitioner has already served two years in terms of regular posting and one year on the basis of interim stay granted by the Tribunal. When a transfer order is an administrative order and the petitioner has failed to prove mala fide, in particular malice in fact or malice in law, then he is not entitled to any relief under Article 226/227 of the Constitution of India, therefore, the Tribunal has not committed any error while dismissing the O.A.
34. In view of the discussion made hereinabove, the writ petition preferred by the petitioner under Article 226/227 of the Constitution of India is hereby dismissed along with pending application(s), if any.
35. No order as to costs.

(ASHOK KUMAR JAIN (V. J.)),J

(UMA SHANKER VYAS (V. J.)),J

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